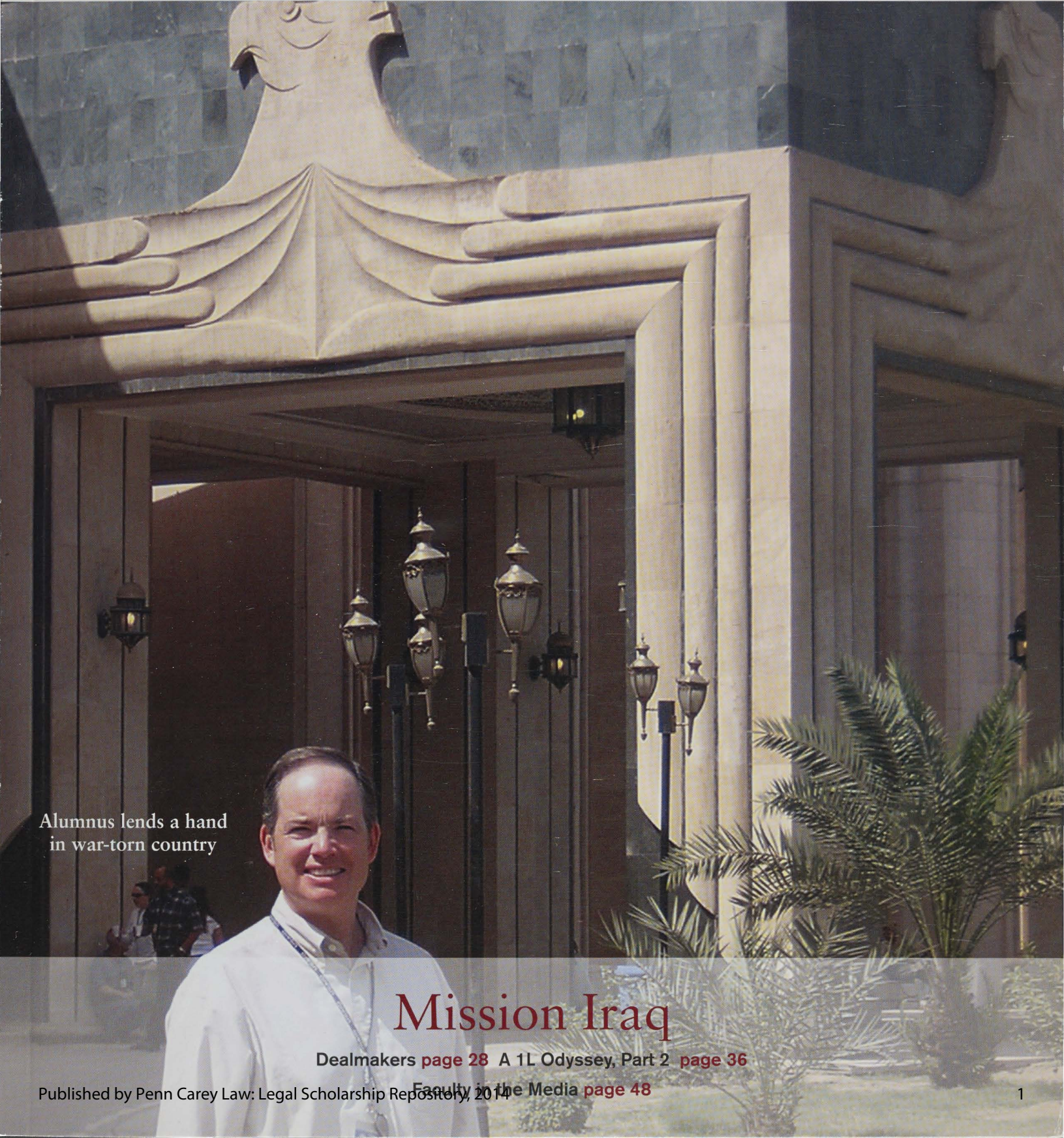


et al.: Penn Law Journal: Mission Iraq

# PENN LAW JOURNAL

UNIVERSITY OF PENNSYLVANIA

FALL 2004 VOLUME 39, NUMBER 2



Alumnus lends a hand  
in war-torn country

## Mission Iraq

Dealmakers **page 28** A 1L Odyssey, Part 2 **page 36**

Faculty in the Media **page 48**

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**ON THE COVER**

John Groarke L'88, standing in front of one  
of Sadaam Hussein's presidential palaces.



# PENN LAW JOURNAL

## FEATURES

### Mission Iraq

BY EDWARD N. EISEN

If you're looking for a real profile in courage, look no further. Your search is over. Meet John Groarke, a man of true grit and unceasing optimism. He's taken on a tough – some would say impossible – job as legal advisor to the reconstruction effort in Iraq. But he welcomes the challenge.

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### Dealmakers

BY JENNIFER BALDINO BONETT

They relish risk, love to drive a hard bargain, and excel at strategic thinking. They are dealmakers, the high-wire negotiators who help create mega-companies and wealthy stockholders. And many of the top practitioners of this nervy art come from Penn Law, where they learned the requisite skills to complete big deals.

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### A 1L Odyssey, Part 2

BY LARRY TEITELBAUM

With the first semester out of the way, Melissa Iachan begins to cruise toward the end of her first year – until she has to write her first legal brief and make an oral argument. That's when she discovers what it really takes to be a lawyer.

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### Isabelle Johnston Bids Farewell

BY LARRY TEITELBAUM

From 1968 to 2004, Isabelle Johnston worked for almost as many deans as America had presidents. As their assistant, she kept them organized. She kept them in line. She kept them on schedule. And now, she's decided to call it a career, marching into retirement with the satisfaction gained from a job well-done.

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### Gloria Watts, Beloved Registrar, Gets Big Send-Off

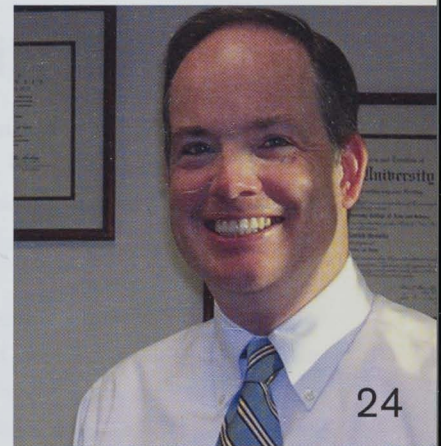
BY LARRY TEITELBAUM

A storehouse of knowledge, Gloria Watts served many roles during her 44 years at Penn Law. But the one she will be most remembered for is “den mother”, a.k.a. registrar, to hundreds of students. Maybe that's why students serenaded her with whoops and cheers when her retirement was announced at graduation.

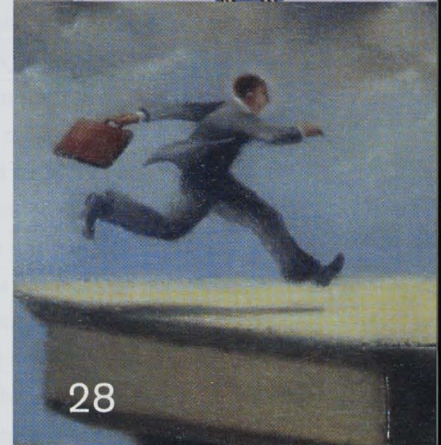
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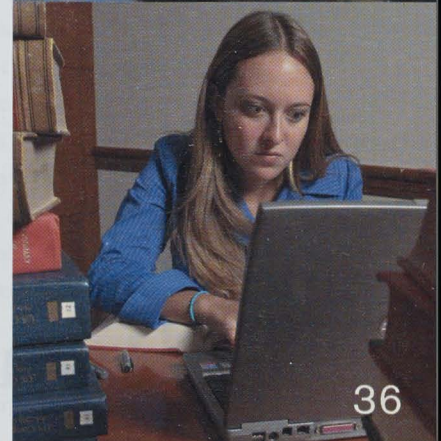
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# PENN LAW JOURNAL

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## CORRECTIONS

Every effort has been made to ensure accuracy in this *Journal*. We offer our sincere apologies for any typographical errors or omissions. Please forward any corrections to the attention of:

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## A MESSAGE FROM THE DEAN



**MICHAEL A. FITTS**  
Dean and Bernard G. Segal  
Professor of Law

### To the Penn Law Community:

**A TRULY GREAT LAW SCHOOL** has a distinguished faculty, smart and energetic students, and accomplished alumni. Penn Law has been, and continues to be, blessed by all three. This issue explores all parts of the Penn Law triad, with the cover story focusing on one of our alumni, John Groarke L'88, who, through his willingness to take on a difficult assignment, has become a part of history.

With a Penn Law education, Groarke could have done just about anything he wanted. He decided to devote his career to foreign service, which, at the moment, puts him in a precarious position in Iraq, where he is risking his life to help make that country whole again. As legal advisor to the reconstruction, John faces considerable danger. He has been close enough to the action to feel rocket blasts and car bombs. It is not an enviable position, yet John soldiers on, driven by the call to service and commitment to his work. Our cover story documents John's mission (which is to say, America's mission) and the long, hard road that lies ahead to accomplish it.

Staying on Iraq, in this issue a panel of experts (composed of those distinguished faculty and smart students I referred to) describe the incredible challenges that await the Iraqi tribunal which will decide the fate of Sadaam Hussein. Questions of fairness and competence, they said, will shadow every move and action, as the eyes of the world watch the trial unfold.

Trials of a completely different sort face corporate dealmakers. As those of you in the game know, it is not easy to close a big deal. To structure a merger or acquisition that redounds to both parties' benefit is an art. The alumni we write about and profile in this issue have mastered that skill.

Finally, I want to take a moment to thank two long-time members of our administrative staff, both profiled in this issue, for their years of selfless service, as they enter a well deserved retirement. As we all know, excellent staff are also a necessity for a great law school.

Isabelle Johnston has been the administrative assistant to the dean for over thirty years; and Gloria Watts has served the school for over forty years, the last decade as our Registrar. Penn Law is, without question, a better and warmer place because of Gloria and Isabelle, each of whom is responsible, in part, for the homey atmosphere for which the Law School has become known. Students come to Penn Law not only because we provide a legal education second to none, but because we create a supportive and challenging atmosphere for education that is also second to none. Isabelle and Gloria helped set that tone for the school, as do all of the administrative staff. We salute you.

*Mike*





## THE BRIEF

### LAW SCHOOL

### NEWS & EVENTS

## Judge Wald Finds International Criminal Courts Foreign to Her Experience in America

**WHEN JUDGE PATRICIA M. WALD** says “international judges operate in a different milieu” than American courts, she speaks from experience. Judge Wald, who was a jurist on the International Criminal Tribunal for the former Yugoslavia, pinpointed those differences during the OWEN J. ROBERTS MEMORIAL LECTURE last March.

The most critical difference is the “profound” language barrier, said Judge Wald, the former Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit. Recounting her two years on the Tribunal, Judge Wald said she sometimes had a hard time evaluating the credibility of witnesses, even though their testimony was translated from Serb-Croat into English. She also said the presiding judge spoke French, which complicated deliberations, and it was often tough to fathom the briefs submitted by defense counsel from Balkan countries.

“The crackling give-and-take of cross-examination as we know it in the American courtroom was impossible,” said Judge Wald, who added that the language impediments forced judges “to work overtime even to understand the argument.”

And by Judge Wald’s account, the challenges did not stop there. Linguistic and cultural differences persist in sentencing. The death penalty has been abolished in the former Yugoslavia, she said, but judges receive little guidance beyond that limitation. “I am no fan of our federal sentencing guidelines, but I do think some form of presumptive range for certain categories of crimes would give a more uniform face to the process,” said Judge Wald.



Judge Patricia M. Wald talks of her time on International Criminal Tribunal.



The selection of international judges, Judge Wald said, is another area that bears little resemblance to the American system of jurisprudence. In this country, the president's nominees to the federal bench undergo tough confirmation hearings which generally produce judges who are qualified for the job. Merit has not always been the sole consideration in choosing judges for international courts, Judge Wald said. When the United Nations created the ICTY in 1993, geographic and cultural diversity were as important as judicial experience, and the Gen-

eral Assembly rarely rejected a nominee based on qualifications, she explained.

According to Judge Wald, that problem was addressed by the drafters of the Rome Statute, when they created the International Criminal Court. They required all candidates to have experience in criminal law and procedure or competence in international humanitarian law and human rights.

But she admitted other gaps, such as accountability, are harder to close, given the different conditions under which American and international judges operate.

American judges are constrained by Congress and the precedents of prior courts, and their lower court decisions can be overturned at the appellate level. They also face media, public and academic scrutiny.

**The selection of international judges, Judge Wald said, is another area that bears little resemblance to the American system of jurisprudence.**

Few such controls exist for their international counterparts, who are not subject to many of the customary checks and balances that limit the independence of American judges but lend legitimacy to their decisions, Judge Wald said.

And judges on international courts have no way to enforce orders seeking witnesses or evidence if sovereign governments do not cooperate, Judge Wald added.

Still, Judge Wald, one of only three American judges to serve on the Tribunal, believes the Court, set to conclude its work by 2008, will leave an important legacy. "The deficiencies cannot obscure (its) major achievements in bringing to justice some of the most terrible predators against the innocent victims of war and tyranny."





**THE BRIEF**  
LAW SCHOOL  
NEWS & EVENTS

## Battle Over Gay Marriage Pits States Against Federal Government

**SALLY BARRINGER GORDON**, a professor of law and history at Penn Law, says the current effort to ban gay marriages throughout the country reminds her of an earlier attempt to outlaw polygamy. But there was one big difference: Utah was a territory, not a state.

Today, attempts to stop the practice of polygamy would be viewed as interfering with state law, explained Gordon, who said that a constitutional amendment to prohibit same-sex marriage would go beyond anything the federal government has done before.

“Such action would give our secular, national government unprecedented power over marriage,” Gordon said. “If states are to be laboratories in any real sense, we must carefully consider that knee-jerk pull to centralize, even when marriage is at stake.”

Gordon was one of four Law School professors who addressed the state-federal divide and other legal issues surrounding gay marriage during a panel discussion in February. That month the Massachusetts Supreme Court declared it unconstitutional to bar gay couples from wedlock, which set off a round of gay marriages around the country.

According to C. Edwin Baker, Nicholas F. Gallichio Professor of Law, once Massachusetts recognized gay and lesbian couples’ right to have a legal civil union, which provides all legal rights that married couples receive, the constitutional question becomes: Can it restrict the use of the term “marriage,” an extraordinarily meaningful cultural symbol, to the expression of a single authorized set of values?

The Massachusetts Court in effect said “no,” just as the U.S. Supreme Court said “no” fifteen years earlier in protecting dissidents’ right to burning the American flag. Baker asserted that free speech values require both results. A state should not be able to prevent people from using government-created cultural symbols to construct their own meanings. Still, he said, both disputes prompted attempts to maintain cultural conformity by amending the Constitution to allow enforcement of a closed intolerant cultural order.

A central question is whether Massachusetts’ actions will influence other states. Kermit Roosevelt, assistant professor of law, said he expects some states to recognize gay weddings in Massachusetts under the “Full Faith and Credit Clause.” However, he said states have recourse to the Federal Defense of Marriage Act, which gives them the right to refuse to recognize same sex marriages on the grounds that they contravene their public policy.

As the debate raged on earlier this year, public opinion sided with state rather than federal regulation of gay marriage. Nathaniel Persily, assistant professor of law, explained that while a majority of Americans are against gay marriage, public opinion polls suggest that the public

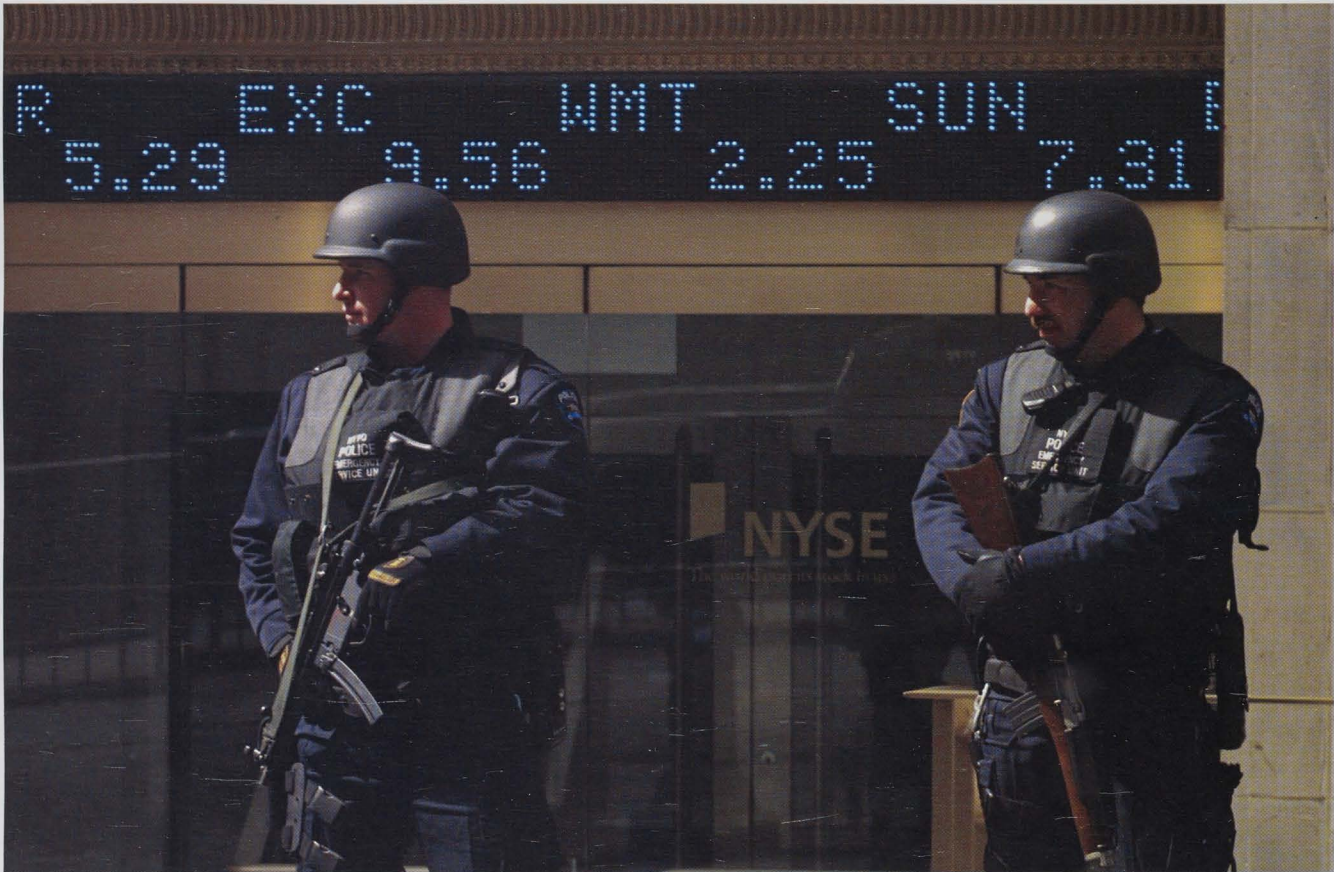
is not as supportive of a constitutional amendment that would ban it. Although approximately 60 percent of Americans do not want their states to recognize gay marriages, under 50 percent believe we should change the Constitution to ban them.

“The same-sex marriage debate is as much about federalism and our system of government as it is about fundamental rights and equal protection,” Persily said.



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NY Police guard the New York Stock Exchange while the city is under heightened alert.

Lisa Quinones / Black Star

## Homeland Security and Civil Liberties Take Center Stage at Conference

**IN JUNE, PENN LAW HOSTED** a rousing debate on the competing interests of protecting national security and maintaining civil liberties. The forum drew national experts from the military, federal government, legal academia, and the civil rights bar.

Penn Law, the U.S. Army War College and the Institute for Strategic Threat Analysis and Response sponsored the conference, which occurred as the Supreme Court prepared to consider cases involving government detention of so-called enemy combatants. Penn Law Assistant Professor Nathaniel Persily organized the conference, which drew approximately 200 people.

Among the participants was Frank Dunham, the federal prosecutor from Virginia who represents terror suspect Zacarias

Moussaoui and Yaser Esam Hamdi, a U.S. citizen captured in Afghanistan who remains in a military jail. Dunham cautioned that depriving people such as Hamdi, who is also believed to hold Saudi citizenship, of civil liberties only fuels Islamic extremism.

On the other hand, Temple Law School Professor Jan Ting defended U.S. efforts to not only detain terrorism suspects but to track the whereabouts of visitors from Muslim nations. He said it is too easy under U.S. immigration laws for terrorists to visit America, so surveillance is necessary.

Representing Penn Law at the conference were professors David Rudovsky, Seth Kreimer, and Kim Lane Scheppele. Rudovsky spoke about civil liberties in light of security threats; Kreimer discussed first amendment rights; and Scheppele addressed presidential and judicial power through the lens of international law.



**THE BRIEF**  
LAW SCHOOL  
NEWS & EVENTS

## Fifty Years After Penn Law Professors Reflect on Legacy of Brown v. Board of Education

**FIFTY YEARS AFTER** *Brown v. Board of Education*, the Supreme Court's landmark decision to end segregation in public schools continues to inspire debate on its legacy, as it did during an academic forum at Penn Law in April to celebrate the golden anniversary of the case.

Regina Austin, William A. Schnader Professor of Law, argued that black schoolchildren remain culturally segregated in the post-Brown era, victims of an educational system whose ideology favors white students. High-stakes standardized tests, disproportionate placement in special education or remedial classes, exclusion from honors programs, and school curricula modeled on white norms put blacks at a competitive disadvantage, contended Austin.

"The schools are simply not structured to produce successful, competent, and confident black students and black students in turn have responded with an informal, culturally-based form of resistance (to public school education)," she said.

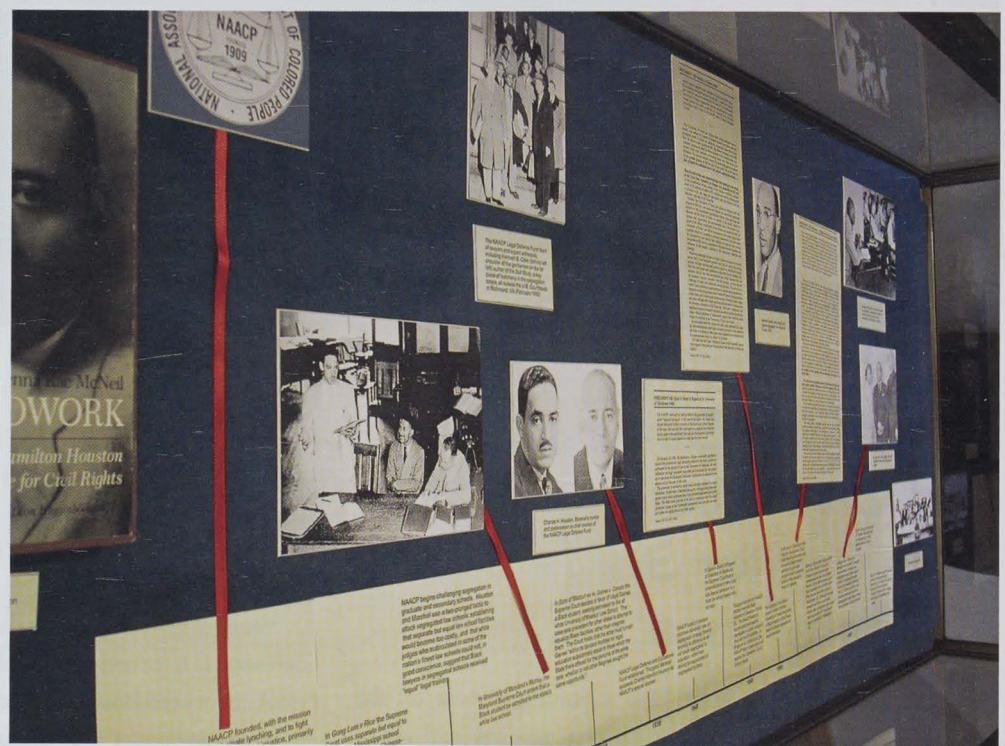
While Seth Kreimer, Kenneth W. Gemmill Professor of Law, agreed that the aspirations of the Brown decision have yet to be fulfilled, he lauded the progress that has been made in education and other areas. He said two-thirds of black students in the south attend integrated schools, the rate of African American students graduating college is three times that of white students in 1954, and the percentage of African American attorneys is up five-fold since the Brown decision.

Brown v. Board of Education also spurred the civil rights movement and the federal courts' "dismantling of American

apartheid," asserted Kreimer, referring to decisions that ended segregation in other public spaces, such as golf courses, restaurants, swimming pools and buses.

Changes followed suit, as well, in public housing. In 1954, the New York City Council approved a law barring discrimination in publicly funded units, said Assistant Professor of Law Wendell E. Pritchett. After limited success, a New York housing agency established one of the first affirmative action efforts in the nation. Predictably, the integration program drew criticism, and was eventually abandoned without achieving its goal, as public housing became predominantly black, he said.

"Brown was not the culmination of a long legal strategy," said Pritchett. "Rather, it marked an important chapter in a continuing struggle for real equality in American society."



Timeline of events that led to *Brown v. Board of Education* decision on display in Biddle Library.

Added Austin: "The anniversary of the Brown decision should prompt us to consider what black students might achieve academically if the schools were truly dedicated to the task of affirming black students' humanity, intelligence, and achievement."





## Dyson Says Work Remains to Fulfill Promise of *Brown v. Board of Education*

**ASSESSING THE IMPACT** of *Brown v. Board of Education* on its 50th anniversary, Michael Eric Dyson, a nationally known commentator on race relations, hailed the decision as a significant event in the nation's history, but said it has fallen short of achieving racial equality in schools.

He said suburban and inner-city schools, given funding disparities, continue to be anything but equal. Noting the economic gulf between white and black communities, he said poor schools don't have second-hand books – much less new ones – or modern computer equipment.

"Can the superinformation highway have an off ramp in the barrio or the hood?" he asked. "We're trying to get some wire."

Dyson, the Avalon Professor of Humanities at the University of Pennsylvania, was the keynote speaker at a symposium on Race Jurisprudence sponsored by the Journal of Constitutional Law. He offered his thoughts seven months after the U.S. Supreme Court ruled on the University of Michigan's affirmative action policy. The symposium also drew legal scholars who discussed the historic desegregation decision and pondered future efforts to achieve racial balance.

Dyson called on the legal profession to end a system of racial preference that benefits the haves and hurts the have-nots. "We understand that affirmative action is not about giving somebody a shot who doesn't deserve a shot, but you must understand that those who are victimized by the law must be defended by that very law."

## Re-Pricing of Drugs Put Under Microscope at JIEL Conference

**A GROUP OF PHARMACEUTICAL** industry executives, academics and representatives from NGOs and the World Bank gathered at a symposium in February to discuss the implications of re-pricing medicines. The symposium, sponsored by the Journal of International Economic Law, addressed the effect of re-pricing on foreign policy, patents, international trade, and the pharmaceutical industry.

Among those putting the practice of re-pricing under the microscope were Osagie Imasogie, former vice president and director of GlaxoSmithKline Ventures, and Penn Law professors Jacques deLisle, Eric A. Feldman, and R. Polk Wagner. Other speakers included Juan Rovira, senior economist (pharmaceuticals) of the World Bank, and Edward T. Swaine, a professor at the Wharton School.



The 2004 Jessup International Moot Court Team from left to right: Rob Mobassaly, Jacob Gurwitz, Alex Sistla, Angela Migally (Jay Lohse, not pictured). The team won a third place award and Jacob Gurwitz won Third Best Oralist in the Atlantic Regional Competition.



**THE BRIEF**  
LAW SCHOOL  
NEWS & EVENTS

## Summers and OSHA Share Stage at Labor Law Symposium

**HE IS THE DEAN** of labor law scholars. And so, one dean to another, Michael A. Fitts, head of Penn Law School, led the



chorus of praise for Clyde W. Summers, Jefferson B. Fordham Professor of Law Emeritus, at a symposium in February.

“There are very few academics who get to define a field,” Fitts said of Summers, who was one of the first to

take a serious look at comparative labor law. “He is the leading labor law scholar of his generation.”

The occasion for Fitts’ remarks were the Labor Law Symposium, a day-long examination of issues pertaining to employee health and safety. The conference was sponsored by the Journal of Labor and Employment Law. OSHA and the Mine Safety and Health Act were the subjects in presentations by government officials, union leaders, and private attorneys.

Like OSHA, Summers has had an enormous impact, as students who organized the conference reminded everyone, attributing their interest in labor and employment law to him. Summers is in his 60th year of full-time teaching. He helped draft the Landrum Griffin Act, which protects and promotes the democratic process in unions, and his influential article advocating statutory protection against unjust dismissal led to the Commission of Uniform State Laws’ Model Employment Termination Act.

Fittingly, Summers had the last word at the conference. He faulted government for excluding small businesses from health and safety inspections, calling it symptomatic of Washington’s greater interest in reducing taxes than in protecting the well-being of workers. His solution: Self-policing. Summers said there should be a statute requiring every employer to have a safety committee inside its plant, which would reduce the number of inspectors needed for workplace inspections.

## FEC Chairman Says Perfect Election is Elusive

**SPEAKING TO STUDENTS** and election experts at the Law Review Symposium in February, the chairman of the Federal Election Commission said it is impossible to create the perfect election.

“This is a mission that, I believe, can only end in disappointment,” said Bradley Smith, keynote speaker at a forum devoted to “The Law of Democracy.”

The symposium featured discussions on campaign finance reform, legislative redistricting, partisan gerrymandering, and the California gubernatorial recall.

Visiting Penn Law at the height of the presidential primary season, Smith also said that excessive efforts to tinker with elections and impose order on democracy can be misguided. Such efforts, he suggested, can lead to undue judicial intervention that deprives voters of the final decision.

As an example, Smith said that the U.S. Supreme Court’s involvement in the 2000 presidential election raised doubts about the election and deprived the electorate of its right to decide the outcome. But he also castigated the Florida Supreme Court for overriding the state’s election laws and eviscerating the power of election officials in an attempt to perfectly “count every vote,” thus bringing about the U.S. Supreme Court’s involvement.

Regarding campaign finance reform, Smith said he questions efforts to root out all appearance of corruption and give everyone equal influence. (In a separate presentation, Penn Law Assistant Professor Nate Persily cited a poll that seems to support Smith’s contention. It reported that two-thirds of Americans believe that special interests will maintain their power despite campaign finance reform.)

“Overregulation in the field of campaign finance ... seems to be empowering lawyers, campaign consultants, judges, and bureaucrats, not ordinary voters,” Smith concluded.



Bradley Smith, chairman of the Federal Election Commission, says voters, not courts, should decide elections.



## Fight for Civil Rights Goes On Despite Asian-American's Success

**WHAT HAPPENS WHEN** a once-marginalized ethnic group enjoys success and joins the mainstream?

That question informed a conference where Asian Americans warned against letting their achievements in law and other professions breed complacency and imperil their historic commitment to civil rights.

The conference, sponsored by the Asian Pacific American Law Students Association (APALSA), featured speakers and panelists who discussed racial profiling, glass ceilings in the legal profession, the Asian American stake in the affirmative action debate, and the place of Asian American women in the law. Speakers included Doris Ling-Cohan, Justice on the New York State Supreme Court; Viet Dinh, former U.S. assistant attorney general and professor at Georgetown University Law Center; and civil rights activist Alberta Lee.

## Feminist Working Group Honors Advocate of Gender Fairness

**AT ITS 3RD ANNUAL DINNER**, the Penn Law Feminist Working Group presented its "Feminist of the Year Award" to Lynn Hecht Schafran, an attorney for the National Organization for Women who has developed educational programs to combat gender bias in courts, in practice, and in the teaching of law.

Schafran, director of the National Judicial Education Program (NJEP) since 1981, has designed curricula for law schools, judicial colleges, and state bar associations. NJEP is a cooperative project of NOW Legal Defense Fund and the National Association of Women Judges. Schafran served on the first state supreme court task force to examine gender bias in the courts.

NJEP and Penn Law's Public Service Program published *Gender, Justice and the Law, Asylum to Zygotes*, in March. The book examines gender bias in the courts, in the legal profession, and in the legal curriculum.

After Schafran received the award, Emily Martin gave the keynote address. Martin is staff attorney for the American Civil Liberties Union Women's Law Project.

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Julianne Malveaux

## Two Nationally Known Speakers Address Sadie T.M. Alexander Conference

**THE ANNUAL SADIE T.M. ALEXANDER** Commemorative Conference attracted not one, but two high-profile speakers to address issues facing the black community.

Julianne Malveaux, an economist, author, syndicated columnist and commentator who often appears on national television programs, was the keynote speaker. She spoke about the lessons African-Americans can learn from Sadie Alexander, the first black woman to graduate Penn Law School. Carol Moseley Braun, former U.S. Senator and Ambassador to New Zealand, offered political perspectives in a discussion moderated by Assistant Professor of Law Wendell Pritchett.

Wharton Professor Georgette Chapman Poindexter, who holds a joint appointment with Penn Law, was moderator of a panel on why minority lawyers get off the partner track. Another panel, moderated by Howard Lesnick, Jefferson B. Fordham Professor of Law, looked at the legacy of *Brown v. Board of Education* on its 50th anniversary. Regina Austin, William A. Schnader Professor of Law, made closing remarks.

The conference began 16 years ago to honor Sadie T.M. Alexander, who, after graduating from Penn Law, became the first black woman to practice law in Pennsylvania and the first to be elected president of the Philadelphia Bar Association.



**THE BRIEF**  
INSTITUTE FOR  
LAW & ECONOMICS



## Delaware Jurist Provides Window On State Supreme Court

**PROVIDING AN INSIDE LOOK** at how the Delaware Supreme Court decides corporate cases, Justice Carolyn Berger addressed the threat of personal philosophy intruding on sound judgments.

Justice Berger, who delivered the **DISTINGUISHED JURIST LECTURE** in March, said she and her colleagues do their best to remove subjectivity from their rulings by applying long-standing legal principles.

Judges “bring different sensibilities to their decision-making,” declared Berger. “What we share, I believe, is a strong commitment to the basic goal of maintaining a coherent, predictable and consistent body of law.”

Drawing on 20 years as a trial and now appellate court judge in Delaware, Justice Berger said two bedrock principles guide jurists: the business judgment rule and the fairness standard.

Justice Berger said the courts defer to the business judgment rule in their review of cases because judges assume that directors

are acting in the best interests of the corporation. However, she said, that assumption has been tested during hostile takeover attempts, causing the Supreme Court, in *Unocal v. Mesa Petroleum*, to call for heightened scrutiny of directors’ conduct.

The other tool at the court’s disposal is the “entire fairness” standard, Justice Berger said. Entire fairness, she explained, requires sellers to negotiate fair deals that bring fair prices. That principle, she added, helps judges evaluate the deal by giving them a yardstick and record to measure whether directors aggressively questioned management and conducted thorough, independent financial reviews before signing off on an agreement.

“Given the recent abuses and corporate scandals, it is comforting to me, as a Delaware judge, to have written ‘proof’ that we have been addressing the issues long before the Enrons emerged,” said Justice Berger.

Nonetheless, she said it is difficult to invalidate a deal when the process proves faulty but the result was good. “This remains one of the tensions in corporate decision-making in Delaware,” she said.

## Tea, Scones and Private Equity Deals

**FOR THE FIRST TIME**, the Institute for Law and Economics held a roundtable program overseas. Fifty participants gathered in London last May to hear presentations from The Blackstone Group and Kohlberg Kravis Roberts & Co. on



Joseph P. Barrata, of the The Blackstone Group International Limited in London, speaks during his firm’s presentation as colleagues David S. Blitzer and Robert L. Friedman L’67 listen. Friedman is based in New York.



European private equity deals. Each investment firm discussed the business, financial and legal challenges they faced and the strategies they used to bring transactions to a successful conclusion. The program drew British attorneys from ILE member firms; faculty from Cambridge, Oxford, and the London School of Economics; London-based alumni; and ILE board members. Those members were Robert L. Friedman L'67, The Blackstone Group; Joseph B. Frumkin L'85, Sullivan & Cromwell; G. Daniel O'Donnell L'76, Dechert LLP; David B. Silk L'88, Wachtell, Lipton, Rosen & Katz; and James A. Ounsworth, consultant. Penn Law Professors Edward B. Rock and Michael L. Wachter, co-directors of the ILE, organized the event in cooperation with The Faculty of Law at the University of Cambridge.

## Panels Examine New Rules on Corporate Governance

**IN A CONTINUING SERIES** of discussions on corporate governance, the Institute of Law and Economics sponsored a roundtable in April on the ramifications of Sarbanes-Oxley. One session featuring Unisys CEO Lawrence A. Weinbach focused on CEOs' increased responsibility to certify the accuracy of financial reports. There was also a panel discussion on the emergence of the independent directors' counsel. Presenters included Edward Rock, Saul A. Fox Distinguished Professor of Business Law, with commentary from the Hon. E. Norman Veasey L'57, former chief justice of the Delaware Supreme Court, and Robert C. Clark of Harvard Law School. Perry Golkin W'74, WG'74, L'78, of Kohlberg Kravis Roberts & Company, served as a commentator for the session on "adjusting the corporate thermostat" in response to recent corporate scandals.

## WNBA President Predicts Growth Spurt for League

**IN THIS POLITICAL SEASON**, you could forgive Val Ackerman for predicting a "bounce" in the WNBA's future.

Ackerman, president of the Women's National Basketball Association, has reason for optimism. By her account, the seven-year-old WNBA is already off to the strongest start of

any professional sports league in modern times, and is primed for growth.

Ticking off its selling points, she said the sport has an avid, predominantly female audience, a long-term national television contract, and sponsors eager to get a piece of the action. "We have what we think is a pretty solid foundation," said Ackerman during the **LAW AND ENTREPRENEURSHIP LECTURE**, co-sponsored by the ILE and the marketing department at the Wharton School.

Factor in that 30 million young women are playing team sports in the United States, when they are not attending sporting events in record numbers, and the WNBA has a solid shot at continued success.



Val Ackerman, president of the Women's National Basketball Association, says future looks bright for league.

"It seems to me that being female and strong are no longer incompatible," said Ackerman, an All-American basketball player at the University of Virginia. "For girls, it's now cool to be a jock."

And the league is poised to make it even cooler by turning WNBA players into personalities, showcasing their athleticism, intelligence, and attractiveness through stories in women's magazines, appearances on talk shows, and in ad campaigns.

Not that Ackerman sees a clear lane to the basket. She acknowledged that challenges await, as the league tries to convert early success into long-term stability. For the foreseeable future, the WNBA will have to compete for fans, who have so many other ways to spend their disposable income.

Of course, more storybook endings like last season can only help drive interest. For the first time in well over a century, a professional sports franchise – the Detroit Shock – went from dead last to champions, Ackerman said.

The Shock's star player? Cheryl Ford, daughter of Karl Malone. His team, the Los Angeles Lakers, fell to the, yes, Detroit Pistons for the NBA title.



**THE BRIEF**  
LAW SCHOOL  
NEWS & EVENTS



## Keedy Cup Goes to Team of Rubin and Gomez

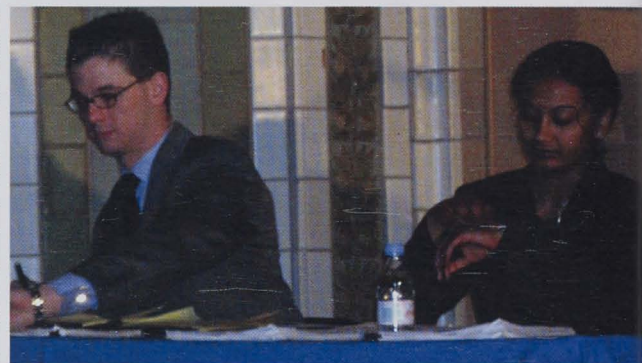
**JASON P. RUBIN AND RUBEN D. GOMEZ** won the 2004 Keedy Cup competition in January. The three-judge panel also named Rubin “Best Oralist.”

Rubin and Gomez squared off against Martin J. Crisp and Shannon Shah. They argued a redistricting case in Pennsylvania in which Democratic voters accused the Republican-controlled legislature of redrawing the legislative map to favor their candidates, thus violating the Equal Protection Clause.

The issues in the case, which has gone to the U.S. Supreme Court, were as follows: Should voters affiliated with major political parties be able to bring a claim of unconstitutional political gerrymandering to court? If voters can bring such claims to court, does a state violate the Constitution when the state abandons traditional, neutral districting principles in favor of strategies that benefit a single political party?

Keedy Cup jurists were the Hon. Andre M. Davis, U.S. District Court of Maryland; the Hon. Robert A. Katzmann, U.S. Court of Appeals for the Second Circuit; and the Hon. Marjorie O. Rendell, U.S. Court of Appeals for the Third Circuit.

Named for the late Penn Law Dean Edwin R. Keedy, the competition culminates the Law School’s intramural brief writing and oral advocacy moot court tournament. It is open to all second-year students.



TOP: Judge Marjorie O. Rendell critiques the arguments as judges Robert A. Katzmann (left) and Andre M. Davis look on.

MIDDLE: Petitioners Martin J. Crisp and Shannon Shah prepare to counter respondents’ assertions.

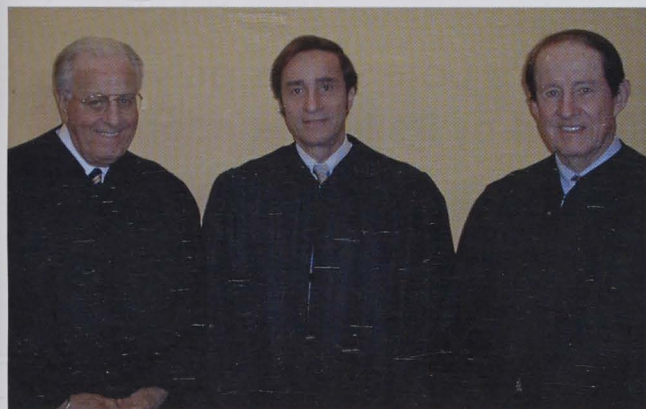
BOTTOM: Keedy Cup respondents Ruben D. Gomez and Jason P. Rubin take notes to follow up on opponents’ points.



## Students Get Up Close Look at Workings of Pa. Superior Court

**THIS WAS NOT MOOT COURT**, but the real thing. For two days in March, the Superior Court of Pennsylvania set up shop and held session at Penn Law, the first time it has done so at a law school.

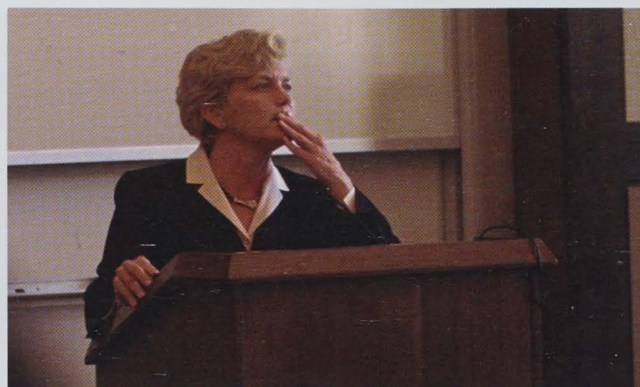
Real judges, real counsel, real cases. Students could observe a range of criminal and civil cases and were permitted, at day's end, to ask the judges questions. Judge Correale F. Stevens, who chaired the panel, and Senior Judges Frank Montemuro, Jr. and John Kelly heard 45 cases in the makeshift courtroom in the Levy Conference Center. The Superior Court hears up to 5,000 appeals each year from the sixty-seven county trial courts in Pennsylvania.



FROM LEFT TO RIGHT: Senior Judge Frank Montemuro, Jr., Judge Correale F. Stevens, and Senior Judge John Kelly before they entered Penn Law's "courtroom."

Before the proceedings, then-Associate Dean Seth Kreimer, who is also a professor at the Law School, thanked the Court for coming and giving students the "privilege of seeing how justice becomes reality." He told students that, contrary to their perception, state courts, more than the U.S. Supreme Court, shape the country's laws.

Louis S. Rulli, practice professor of law, coordinated the program with Judge Stevens.



Chellie Pingree, President and CEO of Common Cause

## Head of Common Cause Decries Big- Money Politics, Bad Medicare Bill

**AS MAJORITY LEADER** of the Maine Senate, Chellie Pingree watched senior citizens cross the border into Canada to buy prescription drugs for far less than they pay in the United States. On one such trip, the group saved \$19,000.

A few years later, as Common Cause President and CEO, Pingree watched in horror as Congress passed a Medicare bill that prohibits the U.S. government from negotiating the best price.

And she's steamed. On a visit to Penn Law in March, Pingree, using the battle over Medicare as a case study, railed against the pernicious influence of big money in politics, and how special interests continue to pervert democracy.

Speaking at an event sponsored by the Penn Law American Constitution Society, Pingree said the Medicare bill, which takes effect in 2006, will ultimately hurt the people it is supposed to benefit: senior citizens.

"We are paying the highest prices in the world because our government has been unwilling to negotiate for the best possible price," said Pingree.

Pingree said pharmaceutical companies, which generate more than half the profits of all the Fortune 500 companies, worked feverishly to protect their investment. The industry spent \$120 million to lobby Congress and state officials, and employed seven lobbyists per senator, she said.

And to make matters worse, she said, the pharmaceutical industry had friends in government. Medicare head John Scully, a former industry executive, sought a job with a lobbying firm for

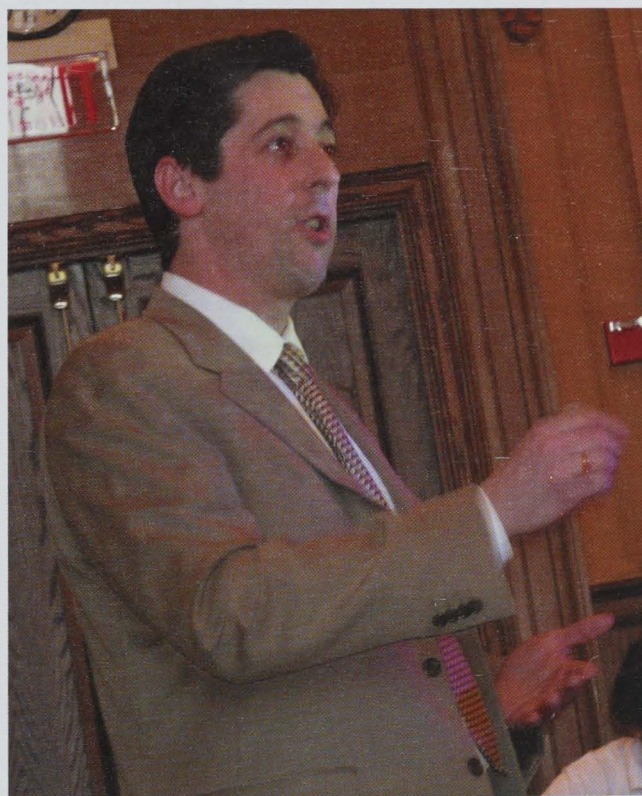


drug companies while deliberations over the bill were taking place.

But such conflicts of interest need not mar the political process, she said, pointing to Maine as an example of good government. Maine, where elections are publicly financed, was the first state to pass comprehensive campaign finance reform. While she led the Senate, the state also approved a prescription drug bill, Maine Rx Plus, that is expected to provide deep discounts to 275,000 uninsured residents.

## Former NCC President Counsels “We the People” To Follow Museum’s Lead and Develop Philadelphia

**AS PRESIDENT** of the National Constitution Center for seven years, Joseph Torsella saw the museum spring to life despite



Joseph Torsella, former president of the National Constitution Center, tells students the NCC demonstrates Philadelphia’s promise.

doubters who thought it couldn’t be done. And it taught him a lesson about the prospects for development in the Philadelphia area.

“Philadelphia has suffered for way too long from a ‘We Can’t Syndrome.’ The Constitution Center’s success shows that this region’s potential is only limited by its imagination,” Torsella told a gathering of Penn Law Democrats last March.

He said the NCC had to overcome serious obstacles to become a popular tourist attraction and major museum of ideas. Initially, he said, the National Park Service was opposed to the project because it wanted to conserve the land around Independence Mall, not draw more visitors. Their objections were overcome but more bumps lay ahead. For instance, construction came to a rapid halt, Torsella related, when workers dredging up the first bucket of soil hit what he described as “almost a lost city.” The remains of an 18th century church – as well as some of our forebearers – were found beneath the site.

### “The Constitution Center’s success shows that this region’s potential is only limited by its imagination.”

The discovery delayed construction for a year, but workers carried on and completed the museum in 2003, when it opened to great fanfare on July 4. Today, visitors to the NCC get an extraordinary civics lesson. They listen to actors who play town criers tell America’s story in the theater in the round, and they visit exhibits that feature such historic items as the chair in which Thomas Jefferson sat as he wrote the Constitution.

Torsella told students he believes the NCC is a model for what could be accomplished along the waterfront and in distressed areas if the city and suburbs work together.

## Wax Exhorts Blacks to Take Responsibility for Academic Success

**SHORTLY AFTER WRITING** a commentary piece in *The Wall Street Journal* about black underachievement in schools, Professor of Law Amy Wax defended her position.

Speaking to the Black Law Students Association in Febru-





Prospective students check out the courtyard as they get comfortable on campus during Admitted Student Weekend last March. Penn Law rolled out the welcome mat, giving students a glimpse of life in law school. Students visited a class taught by Assistant Professor of Law Nathaniel Persily, learned about the Public Service Program, and heard current students describe their law school experience. They also toured Philadelphia.

ary, Wax said African Americans must take responsibility for improving their academic performance.

“The educational achievement gap will close only when and if black students, families and leaders acknowledge that they themselves are doing something wrong,” said Wax. “What they’re doing is not working.”

Wax, who teaches Social Welfare Law & Policy and Law and Economics of Work and Family, dismissed poverty, bad schools, and inadequate resources as the sole reasons for the gap between white and black students, saying that they fail to explain why middle class black high school children in good schools do much worse on SATs than those from white families.

“Yet the received wisdom tells us we must continue to blame poverty, disadvantage, poor schools, lack of money for education and the like, even when these explanations do not hold up anymore,” said Wax.

To be sure, Wax acknowledged that blacks have been harmed by racism and discrimination, but argued that the wrongs cannot be undone by the culprits, white society. At some point, she said, blacks must stop perpetuating the effects of past injustices they suffered by looking for government-inspired solutions to what have become self-inflicted problems.

## LALSA Celebrates Work of Latinos at Fun-Filled La Gran Fiesta

**THE LATIN AMERICAN** Law Students Association (LALSA) likes to end the school year with a bang. This year was no exception.

In April, LALSA held La Gran Fiesta, its annual mix of entertainment, food, award presentations, and inspirational talk. Providing the inspiration was keynote speaker Rafael P. Collazo, a Philadelphia activist who has led voter registration drives as the East Coast Director of the United States Hispanic Leadership Institute. He also organized the annual Northeast Latino Student Leadership Conference and co-founded the Latino Online News Network.

LALSA presented its Orgullo (“Pride”) Award to Anita Santos-Singh, executive director of Philadelphia Legal Assistance. Santos-Singh has also been a staff attorney at Community Legal Services. Among her many affiliations, she is a member of the Board of Directors of the Hispanic Bar Association of Pennsylvania Legal Education Fund.



## THE BRIEF

PUBLIC SERVICE



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### Hands-On Human Rights Seminar Debuts

**A NEW HUMAN RIGHTS SEMINAR** debuted this year. Taught by Edward Rubin, Theodore K. Warner, Jr. Professor of Law, and Assistant Dean Susan Feathers, the seminar gave students many opportunities to gain practical experience in the field. For example, students created an advise and referral clinic with Amnesty International and Richard Atkins, Public Service program advisory board member. They also conducted legal research for the International Labor Defense Fund and assisted the Center for Constitutional Rights with case theory development on Alien Tort Claims Act lawsuits.

The seminar's unique blend of theoretical readings and field work experience provided students with a rare opportunity to explore human rights jurisprudence in all of its dimensions: historical, sociological, philosophical and practical.

### Federal Housing Act Focus of Sparer Symposium

**THE 23RD ANNUAL** Edward V. Sparer Symposium looked back and assessed the Housing and Community Development Act 30 years after its passage. Leading academics, government officials and urban planners explored this influential urban policy. Among the many presenters were Susan Wachter, Wharton Professor of Real Estate, Finance and City and Regional Planning; Dina Schlossberg, Penn Law clinical supervisor and lecturer; Audrey McFarlane, associate professor of law at University of Baltimore Law School, and Margalynne Armstrong, associate professor of law at Santa Clara University School of Law.



## 71 Percent of 3Ls Exceed Pro Bono Requirement

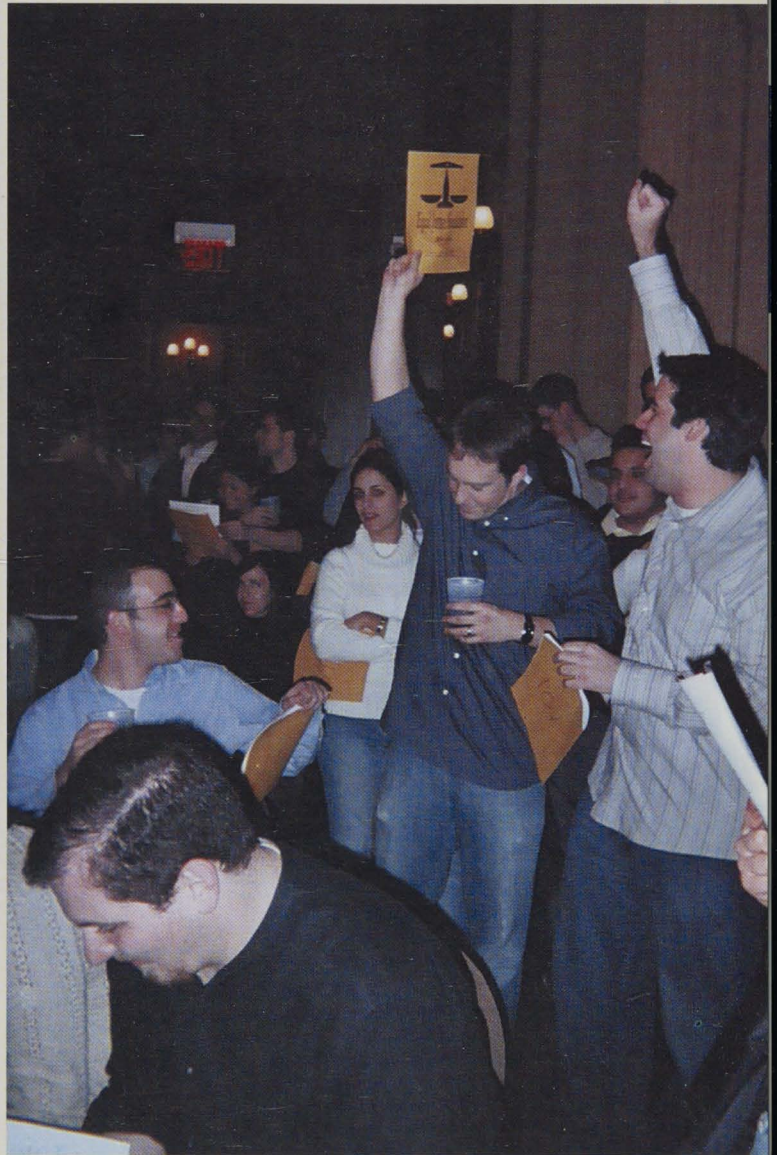
**RACHEL HANNAFORD L'04** received the Henry Meacham Award at the Public Service Program's 8th Annual Recognition Event. The award goes to a student who displayed outstanding commitment to social justice. Hannaford was a summer intern at DC Prisoners' Legal Services and the Legal Aid Society of New York Community Law Office. She also served as Chair of the Equal Justice Foundation, Associate Editor of the Journal of Constitutional Law, and co-founder of the student-run prisoners' rights project.

Public Service Program Director Susan Feathers noted during the event that a record 710 law students participated in the pro bono requirement during the 2003-2004 Academic Year, providing nearly 26,000 hours of community service. Of those students, a record 71 percent of the third-year class exceeded the pro bono requirement.

Damon Hewitt, L'00, assistant counsel at the NAACP Legal Defense and Education Fund, delivered the keynote address. He talked about his organization's litigation, which involves school finance, educational adequacy, affirmative action in higher education, voting rights and indigent defense.

## Who's Who of Public Service

**THE PUBLIC SERVICE PROGRAM** and the Philadelphia Bar Association have completed a comprehensive directory of private law firm pro bono programs as well as a listing of public interest organizations and post-graduate fellowships in Philadelphia. The publication will be distributed to law schools and bar associations nationwide and will educate lawyers, law students, and faculty about Philadelphia's rich tradition of public service.



Students place bids at EJF Auction.

## EJF Raises More Than \$30,000

**THE EQUAL JUSTICE FOUNDATION (EJF)**, a student-run nonprofit that awards law students with stipends to do summer public interest legal work, raised more than \$30,000 at its annual fund-raising auction on February 26. The money allowed ten students to work in nonprofit and legal organizations over the summer.



**THE BRIEF**  
LAW SCHOOL  
NEWS & EVENTS



## Design Award Goes to Roberts Hall Architects

**THE ROBERTS HALL EXPANSION** has been recognized for excellence in design. Project architects Susan Maxman & Partners received an award in May from the Pennsylvania chapter of the American Institute of Architects.

Roberts Hall houses 20 faculty offices and two student lounges, as well as renovated classrooms. The project, which included a 3,200-square-foot addition, was completed in time for the 2003-04 academic school year.

## Penn Law Receives Rare Honor from Burton Awards

**THIS PAST SUMMER**, Penn Law became only the third law school in the country (Stanford and Emory are the others) to receive the Record of Distinction Award from The Burton



Alex Kreit L'04 won Burton Award for legal writing this year.

Foundation. The award recognizes schools with students who have won The Burton Awards for legal writing three or more years.

Noting the honor, William C. Burton, founder and chairman of The Burton Awards, wrote: "We believe that the repeated accomplishments of your students are a direct reflection of the quality

of teaching, training and education provided at Penn Law."

The Burton Awards are considered the highest honor for legal writing in the country. Commenting on Penn Law's achievement, Anne Kringel, senior lecturer and legal writing director, said: "Penn received the Record of Distinction Award because our students have won a Burton Award every time they were nominated. The Award recognizes the strength of our students' writing and scholarship."

The Law School's three winners were Aaron Kesselheim L'02, Michael Bacchus L'03, and Alex Kreit L'04.

In other news, Law School Dean Michael A. Fitts served as program director of the Holmes Debates held at the Library of Congress in June. This year the annual debate was on terrorism. Participants were academics, including Kim Lane Scheppele of Penn Law School, and members of the Justice Department, as well as William Cohen, former Secretary of Defense and Senator from Maine.



Dean Michael A. Fitts addresses assemblage at the Holmes Debates.





James J. Sandman L'76, managing partner at Arnold & Porter in Washington, talks about the challenges he faces in finding time for family when you run a major law firm with 700 attorneys. He was a panelist at a conference that explored how lawyers strive to create work-life balance. The conference was organized by the Third Path Institute, a nonprofit group that addresses family and work issues. Sandman is a member of Penn Law's Board of Overseers.

## Law School Appoints Wallace New Registrar



**CLAIRE WALLACE L'95**, co-director of Penn Law's Career Planning and Placement office, has been appointed assistant dean and registrar to replace Gloria Watts upon her retirement. Watts retired in September.

Wallace worked in Career Planning and Placement for nearly seven years, moving up from associate director to co-director in August 2003. As co-director, she managed a comprehensive career counseling and placement program for J.D. and LL.M. students and alumni.

She is a member of the Pennsylvania Bar and the National Network of Law School Officers, as well as the American Association of Law Schools. Wallace also serves on the board of the Philadelphia Area Minority Job Fair, and was a member of the marketing advisory committee of the National Association of Law Placement. She is a graduate of Yale University.

## Jester Named Executive Assistant to Dean Fitts



**MICHELLE JESTER**, former executive assistant to Penn President Judith Rodin, has been appointed to serve the same role for Law School Dean Michael A. Fitts. Jester replaces Isabelle Johnston, who retired in September.

Jester, who began her new position in August, has worked at the University of Pennsylvania since 1991. She began her affiliation with the University in the Medical Center as an administrative secretary to former CEO and Dean William N. Kelley. She has also worked in central development. Formerly executive secretary to Penn interim President Claire Fagin, Jester became President Rodin's executive secretary in July 1994. Jester also held a number of positions at the Philadelphia Convention and Visitors Bureau.



## THE BRIEF INTERNATIONAL



### Kolker Brings Global Outlook to LL.M. Program

**IN THE MONTHS** and years ahead, with Adam Kolker's help, Penn Law will gain greater recognition among international lawyers in Europe and Latin America. The school will attract a more diverse community of LL.M. students. And it will offer a richer array of international courses.

And that's just a glimpse of the possibilities, as Kolker begins to flesh out his ambitious plans as the new assistant dean for graduate and international programs.

"I hope to move Penn Law ahead by developing close relationships with foreign academic institutions and by building ties to multilateral organizations and international financial institutions," said Kolker, who was appointed in May.

The well-traveled Kolker brings a wealth of pertinent experience to the job.

A graduate of Swarthmore College and Yale Law School, where he was managing editor of the Yale Journal of International Law, Kolker spent four years as a foreign service officer at the U.S. embassies in Venezuela, Grenada, and Spain. As a Luce Scholar, he performed policy work on Japanese international affairs for a member of the Japanese Diet, and he ran his own international legal and consulting practice, helping businesses, nonprofits and government agencies develop strategic relationships around the world. He also practiced law at Gibson, Dunn

& Crutcher's Washington, D.C. office.

"My job is to take a survey of who we are and what we already offer, to find out how we should best focus our efforts," said Kolker.

Job one is to spread the word about Penn Law in areas where it could use a stronger identity. Kolker said the school is well-known in China and Japan, due to "fantastic word of mouth". For that he credits faculty members Jacques deLisle and Eric Feldman, who travel to those countries often and recommend Penn Law to international students. The school's profile, however, is lower in Latin America and Western Europe, he said. To correct that, Kolker attended the Penn Law European Society meeting in June, and plans more trips in the future.

Kolker said increased visibility will make it easier to recruit students from more countries and create geographic diversity in the LL.M. program, which numbers approximately 80 students this fall. He also hopes to better integrate LL.Ms with both J.D. students and local practitioners, so that they all can share interests and perspectives. As an early step, this year's LL.M. students have begun attending monthly receptions for internationally-minded Philadelphia professionals. The new assistant dean hopes, as well, to involve Penn Law alumni in the school's international activities.

And to further broaden the program, Kolker plans to talk with Penn Law faculty and assess international programs at peer schools, so the Law School can fill gaps in the curriculum.





Dean Michael A. Fitts, along with Associate Dean for Development & Alumni Relations Elizabeth Brown and Professors Jacques deLisle and Eric Feldman, took a three-week trip in July to meet Asian alumni. Stops included China, Japan, Hong Kong, Korea, Taiwan, and Thailand, where they visited law firms, law schools, and courts. It was the first visit to Asia by a Penn Law Dean since Colin Diver's excursion in 1999. Here are scenes from the trip. On left, Dean Fitts is surrounded by alumni in Beijing, China. On right, he meets with alumni in Tokyo.

## New Exchange Program with Japanese Law School

**PENN LAW HAS STARTED** an exchange program this year with Waseda Law School, which is among the first group of graduate-level law schools in Japan. The school was established in response to reforms aimed at producing a more professional class of attorneys.

Two second-year students from Waseda and two from Penn will spend the fall semester at each other's schools. Penn Law has a similar exchange program with Bucerius Law School in Germany.



Professor of Law Jacques deLisle (first row, third from left) meets with incoming students and alumni of the LL.M. program at a reception in Taiwan.



# MISSION IRAQ FROM RUBBLE





The sky is lit by explosions and Iraqi anti-aircraft fire during the third night of the U.S. shelling of Baghdad. The Iraqi presidential palace complex burns after being hit by U.S. missile attacks.

PHOTO: © Patrick Robert/Corbis

# TO RENEWAL

Rebuilding Iraq Poses Danger and Challenge  
To Advisor on Reconstruction Effort **By Edward N. Eisen**



## MISSION IRAQ

A specially chartered military aircraft nears the runway at Baghdad International Airport. To avoid fire from Iraqi insurgents, the pilot approaches at an altitude beyond the range of Surface-to-Air Missiles. At about 15,000 feet, the plane takes a sharp downward turn, then descends in a spiraling motion.

“By the time we land, my head is spinning,” says John Groarke L’88, who today plays a key role in the largest U.S. reconstruction effort since the “Marshall Plan” helped rebuild Europe after World War II.

Groarke, who grew up poor in New York City, the son of impoverished Irish immigrants, serves as legal advisor for the U.S. Agency for International Development (USAID) in Iraq. USAID is the lead U.S. government agency for the civilian reconstruction of post-war Iraq, which established a provisional government two days ahead of schedule on June 28.

At this writing, about \$3.8 billion of the funds appropriated by Congress for Iraq reconstruction have gone to USAID, where Groarke serves as a commissioned Foreign Service Officer and First Secretary at the U.S. Embassy. He directs a staff of three attorneys in USAID’s Cairo office.

Once on the ground in Baghdad, he is escorted by a security guard in a fully armored vehicle. The road from the airport is normally filled with U.S. Army vehicles — tanks, jeeps and personnel carriers.

“There are frequent attacks on the airport road, but so far I have avoided them,” Groarke writes in an e-mail, responding to questions from a reporter conducting the interview from Philadelphia.

About twenty minutes later, Groarke and his party arrive in the Green Zone, the four-square-mile patch of downtown where the Coalition Provisional Authority (CPA) is headquartered under heavy U.S. military guard. But even here in this walled-off section on the West Bank of the Tigris there are frequent rocket and mortar attacks, particularly at night.

“On one occasion earlier this year, rockets landed not far from the trailer in which I was sleeping,” Groarke writes. “The trailer rocked as if there were an earthquake, but I was unharmed.”

Earlier this year he was close enough to feel a powerful car bomb that detonated near the “Assassin’s Gate.” Scores of people were killed or injured. “Last year I had the privilege,” he writes, “of staying at the Al-Rashid Hotel before it was blasted by six missiles.” The Al-Rashid is the 400-room hotel booked by most American officials. Some rooms took direct hits, killing at least one and wounding 15.

Groarke arrived in Egypt two years ago with his wife and two daughters. His mission: to negotiate what has become an \$18 billion rebuilding effort that has morphed into a brutally hard and hazardous task.

His job is to implement reconstruction activities in every province of Iraq, a work that has been slowed by a growing insurgency of car bombings, shootings, and road blocks that have become part of daily life. Add to that the rising death toll of American soldiers, the brutal murders of four civilian security specialists, the beheading of a freelance contractor last May from Philadelphia’s suburbs, and the prisoner abuse scandals that eroded yet further America’s image around the world. According to one report, all of this has raised security costs from 10 to 25 percent of all reconstruction monies through September 2004. Reconstruction work has been delayed or slowed to a crawl.

### Yet the mission goes on.

Groarke’s work includes programs in health care, humanitarian assistance, local governance, economic growth, education, agriculture and infrastructure. Among the largest contractors he oversees is Bechtel, responsible for infrastructure reconstruction including electricity.

Despite the countless setbacks brought on by the insurgency, Groarke reports much has been accomplished. “Shortly after the war ended, we had most Iraqi ministries up and running. Since then we’ve repaired over 2,300 schools, printed 8.7 million textbooks and trained 32,000 teachers.”

Water, sewage and electricity have been restored to pre-war levels, he continues. Three million Iraqi children have been vaccinated and 500,000 tons of grain has helped feed the Iraqi people. Major roads and bridges have been repaired and community associations have been formed to promote democracy, he writes, his distinct personal pride of America’s rebuilding efforts appearing to shine through even the impersonal look of a distant e-mail.

Yet, for those like Groarke on the front line, the mission has been anything but a piece of cake. The career diplomat concedes he’s not thrilled working in a combat zone. But he finds the





John Groarke, legal advisor to the U.S. Agency for International Development in Iraq, in a lighter moment.

work meaningful and challenging – though it’s a 24/7 environment that’s not for everyone.

On his frequent sorties into Baghdad, he visits one of Saddam Hussein’s former Presidential Palaces, now headquarters of the CPA. It’s a garish concrete structure he characterizes as “disappointing given the megalomania of the former regime.” One of its attributes, he says, is a “nice swimming pool” used by off-duty coalition soldiers. He works nearby in the Iraq Forum, the building from which most civilian reconstruction is managed. Back in Cairo he operates from the U.S. Embassy supporting the U.S. economic assistance program in Egypt. This effort, he says, plays a key role in the resolution of the Palestinian issue and efforts to combat international terrorism.

Egypt is also the place where Groarke calls home. It is there he lives with his wife, Margaret, and their two daughters, Jacqueline, 8, and Juliette, 5. Margaret is also a lawyer and Democracy officer with USAID. She has the job of managing a project designed to modernize Egypt’s court system. The couple was married in 1988 in a Renaissance Palace, now City Hall in Venice, Italy.

The couple adopted Jacqueline in China in 1995 after she was found abandoned on a street. She was one day old. Juliette, also abandoned, is from Thailand. Last year she became an American citizen.

Groarke grew up in a family where his Irish-born parents had only limited educational opportunities. Yet they emphasized education as a means of escaping poverty.



Groarke, wife Margaret, and their two children, Juliette and Jacqueline.

“It was always my intention to pursue a career in law and international affairs,” he writes. In his youth he traveled abroad earning a Masters Degree in International Relations from the London School of Economics. After that he went on to study International Law at Penn.

“When I was at Penn, International Law and Public Service were not featured elements of the curriculum or the school culture,” he writes. “I understand, however, that this has changed and Penn is now a leader in Public Interest Law. I will always be grateful to Penn Law School for providing me with an exceptional education and with the financial aid that made it possible for me to attend the school. I only hope that I have proven myself worthy of its confidence.”

Groarke says his career path was defined by a profound commitment to public service, particularly in the foreign affairs and national security areas. I also value greatly the opportunity to have meaningful and challenging work. My present job provides me with the opportunity to satisfy both of those priorities.

**“I don’t know what kind of government Iraq will eventually have, but it will be an Iraqi, not an American creation.”**

Groarke does not buy into the growing state of pessimism concerning this country’s future in Iraq, a widening concern for many Americans. “I remain optimistic, because in this business you have to be optimistic. I don’t know what kind of government Iraq will eventually have, but it will be an Iraqi, not an American creation,” he believes. Finally, he was asked: Do you think America will have any success in setting up Democratic institutions in Iraq?

John Groarke’s response: “If I’ve learned one thing, it’s that democracy cannot be imposed externally. We can help install democratic institutions, but we cannot create or impose the values needed for a modern democracy or for a constitutional government.” **PLJ**



# DEALMAKERS

COURTING & TRYING TO BAG  
THRILLS & THE BIG ONE



Rob Day - Images.com

BY JENNIFER BALDINO BONETT



It was six months before the opening bell, and James W. McKenzie Jr. L '87, WG '87, was running. He had until June 30, 2003, to orchestrate a grande dame of IPOs for American Financial Realty Trust in a high-pressure, increasingly regulated environment. And AFRT needed the proceeds from the IPO to fund the purchase of no fewer than 158 properties across the country — also by June 30.

McKenzie ran every day from Philadelphia's Morgan, Lewis & Bockius LLP, where he is a partner in the business transactions practice, to AFRT's local headquarters, working out a new governance structure, hammering out disclosure documents, studying developing regulations by the SEC and NYSE, and advising the board. He ran during the Super Bowl — back and forth from the television to the telephone for a conference call with the investment bankers. And he ran from his Philadelphia home by the Art Museum to his Center City office in a President's Day blizzard to complete a set of documents. (Actually he walked in the snowstorm, but quickly.) Fortunately, McKenzie, who ran the streets of West Philadelphia in his days at Penn Law, is now a triathlete.

That's an apropos pastime for a dealmaker. McKenzie, named a "Dealmaker of the Year" and the "Lead Issuer-Side Counsel for IPOs" by *The American Lawyer* in April, joins fellow Penn Law alumni as leaders in the fast-paced, high-stakes world of finance and M&A. He also belongs to the cadre of alumni who discovered the thrill of corporate dealmaking at Penn Law.

Long interested in business and finance and inspired, as were fellow future dealmakers of the day, by former Dean Robert H. Mundheim, McKenzie earned his JD/MBA at Penn. He calls the dual degree "a huge help for me. It has given people a different

perception of me as a lawyer," providing him with additional credibility in working with CEOs and CFOs. (McKenzie also negotiated the deal of a lifetime at Penn Law: Courting his future wife, Mimi E. Minehan L '86.)

Historically, Penn Law has educated America's dealmakers. Penn Law alumni frequently led the high-profile cases of the entrepreneurial 1980s. A sampler includes Gerald Levin L'63, former CEO of Time Warner; Howard Gittis L'58, vice chairman & chief administrative officer at MacAndrews & Forbes Holdings Inc.; Charles A. Heimbold Jr. L'60, former Chairman & CEO of Bristol-Myers Squibb; and Henry R. Silverman L'64, Chairman, CEO and President of Cendant Corporation. Today, Penn Law alumni stand among the biggest names in dealmaking, as attorneys and as investment bankers and private equity investors. Paul Levy, senior managing partner and founding partner of JLL Partners; Saul Fox, CEO of Fox, Paine & Company; Robert L. Friedman, a senior partner at The Blackstone Group; Edward Scott Mead L'82, a former managing director of Goldman Sachs International; Michael J. Biondi L'83, chairman of investment banking at Lazard LLC; and Joseph D. Gatto, a managing director of Goldman Sachs & Co. in New York come to mind.

At Penn Law today, many aspiring dealmakers see the value of complementing their legal education with a deep knowledge of business. "We have the programs for the students who are interested," says Michael L. Wachter, the William B. Johnson Professor of Law and Economics and co-director of the Institute for Law and Economics. Penn Law students now can earn a Certificate of Study in Business and Public Policy at the Wharton School. That's in addition to M&A courses and Wachter's popular corporate finance course, a prerequisite for upper level Wharton classes.

Wachter sees a trend in students preparing themselves, even as undergraduates, for dealmaking careers by studying law and economics. The combination is becoming increasingly vital. "The amount of dealmaking in American society is a critically important and huge-volume business," says Wachter. "Leaders who can integrate the material learn high church from two cathedrals."

Trained from both pulpits, Jim McKenzie was well-positioned for the AFRT deal. With Penn Law colleague and Morgan Lewis senior associate Justin W. Chairman C '92, L '95, McKenzie made a successful pitch to AFRT's CEO. McKenzie enlisted the expertise of his colleagues from throughout Morgan Lewis to manage different parts of the deal — real estate transactions, debt financing, employee benefits agreements — which



## DEALMAKERS

would yield the largest IPO for a real estate investment trust in the country in 2003 and the second largest IPO of any kind in the country in 2003 at \$804 million.

Starting in December 2002, McKenzie worked closely with AFRT executives and board members to prepare for the IPO. He spent nearly two-thirds of his working hours on documentation, due diligence, and re-structuring corporate governance. From the outset, AFRT and its board chairman, legendary Wall Street dealmaker Lewis S. Ranieri, wanted to adhere to upcoming legislation on stricter procedures for financial controls, accounting standards, and corporate governance. While the legislation would take effect after the AFRT deal, company executives wanted to be ahead of the game.

“I worked very hard with a management team that was used to being a private company. I needed to help them understand and prepare for public disclosures to make the leap from being privately held and out of public scrutiny,” says McKenzie. “It was exciting to be involved in a project that we knew was going to be a big splash. . . . In dealmaking, you get a deep understanding of business and industry that is rare as a corporate lawyer, or any lawyer.”

Such a deep understanding is also intrinsic to private equity investors like Perry Golkin, W '74, WG '74, L '78, member of



side of the private equity table, Golkin became intrigued by the financial side. While he loved the law and his work, Golkin saw private equity investing as “a tremendous way to put my skills together.” He joined KKR, one of the world’s oldest private equity firms, in 1986.

After 18 years, he still finds the work exhilarating. He has worked on investments in such diverse industries as insurance, banking, and media with clients including the Willis Group, the Bank of New England, and Primedia, Inc. “I’m at the forefront of being able to follow the story,” says Golkin, “and each day is a new chapter.”

Golkin credits his Penn Law training not only for giving him the skills to parse difficult issues and solve problems, but for

**“My advice is that there’s no substitute for doing everything with the highest level of integrity and character,” says Perry Golkin.**

Kohlberg Kravis Roberts & Co. (KKR). He calls his career path “a Penn story.” As a Penn undergraduate, Golkin intended to be a corporate lawyer. He wanted a business background. While at Wharton, he submatriculated to earn a simultaneous MS in accounting. After graduation, he deferred his Penn Law admittance and worked for a year so he could become a CPA. While at Penn Law, he sat for his CPA exam and then taught accounting at Wharton to pay his law school expenses.

At Simpson Thacher & Bartlett LLP during the “extraordinary” market and corporate technological innovations of the 1980s, Golkin says he was “one of those young, excited associates, enjoying every minute of it.” Working on the legal

instilling in him “a high level of integrity.” He explains: “My advice is that there’s no substitute for doing everything with the highest level of integrity and character. You take the highest standard and apply it to yourself and it will never fail you. I think that’s what Penn Law stands for.”

Through the Small Business Clinic, current Penn Law students can put Golkin’s wisdom into practice. For students interested in dealmaking, the Clinic, the first of its kind in the country, offers “a free opportunity and a safe environment to practice and experience being a lawyer,” says Dina Schlossberg, Practice Associate Professor of Law. Under Schlossberg’s guidance, students learn the dynamics of a deal: managing real estate



## THE DALEY LIFE OF A HIGH-PROFILE NEGOTIATOR

BY SALLY FRIEDMAN

Colleagues and adversaries alike often watch in awe as Pamela Daley L '79 negotiates. They marvel at her skill in the most complex legal maneuvers, as General Electric's Vice President and Senior Counsel for Transactions masterminds complex transactions without flinching.

So what's the secret weapon of this dynamo who was lead corporate lawyer in GE's recent spate of \$10 billion-plus transactions (Amersham, NBC-Universal, and Genworth), and in countless other high-visibility merger and acquisition deals?

"Lists," suggests the disarmingly charming Daley, who graduated first in her class at the law school, was editor-in-chief of the Law Review, Order of the Coif, and the recipient of major honors. "I work from the power of a well-drawn list," Daley confides.

This international deal-maker loves the art of negotiation, and insists that in many ways, it's simply a question of focus, of distilling the essence of a complex issue so that it is understood beyond a doubt by all parties, particularly including her own client. "If you understand the issues well enough to reduce them to short, communicative good bullet points, you can dispense with the rest of the long-winded explanation."

Some might regard Daley's undergraduate major at Princeton University in Romance Languages as an unlikely foundation for her current expertise in negotiating. She disagrees. "A language is bound by a set of rules, and so are tax codes and well-drafted M&A agreements," she points out. "Code-based learning - like rules-based drafting - has always attracted me."

Daley also acknowledges that a fine legal education has been her other secret weapon. Two particularly powerful influences at Penn Law School were Professor A. Leo Levin and Professor Al Warren, each of whom this Class of '79 graduate credits with "...getting the very best out of any student." Daley, who herself lectured at Penn Law in Partnership Taxation from 1982 to 1989, also saw Levin and Warren as models for bringing humor into daunting intellectual subjects, and doing it with style and skill. "Each was the sort of intellectual and pedagogical force you remember long, long after many other law school memories fade."

Every step of Daley's journey, she suggests, has actually been a building block to her present GE career, from her pre-law school stint as a paralegal to her ten-year career at Morgan, Lewis & Bockius where Daley was a tax associate and then tax partner, and where she began honing her negotiating skills.

At GE, she evolved, in her words, "...from a tax lawyer who understands and enjoys the deal process to a deal lawyer who understands and enjoys the tax issues." Her work as vice president and senior counsel for Transactions at GE is what keeps Pam Daley exhilarated and yes, occasionally exhausted, from marathon sessions that know no time constraints. In her position at the helm of all legal aspects of the corporation's acquisitions, dispositions, joint ventures, alliances and other business arrange-



ments worldwide, Daley does lose sleep, but not composure. (Over the summer, GE promoted Daley to Vice President for Corporate Business Development, and she became a member of the Corporate Executive Council and the GE Capital Board of Directors.)

"As a woman in what has traditionally been a man's realm, I've learned to stare down anybody," quips Daley. "One develops a certain steeliness that's a good defense against the 'Oh, it's a girl lawyer' initial reaction." And despite the intensity of the process, this formidable opponent has made great friends from across the negotiating table. "Sometimes," said Daley, "we see someone so talented that we make more than a friend. We make a hire for our side."

The nature of her working life has changed considerably since the days when Daley would travel 60 to 75 percent of the year. Now it's down to a manageable 10 to 20 percent, thanks to the technological revolution. Many days, when a deal is not on the front burner, it's twelve hours of "face time" with a computer screen or a telephone.

Despite the long hours, the gratification for this corporate negotiator has been as intense as the work itself. "One of my greatest satisfactions professionally was the privilege of working with Jack Welch," said Daley of her interaction with the legendary Chairman and CEO of General Electric. "Working with Jack was uniquely challenging, and certainly never ever boring. Since he retired three years ago, I've had the additional privilege to work with another great CEO - Jeff Immelt - who has the same passion for deals and excellence, but with a completely different, but equally effective, MO."

Challenging and never boring may also describe Daley's unusual family life. These days, she commutes between her office in Fairfield, Connecticut, and her homes in Maryland and Maine. They are shared with Daley's husband Randy, who is now building luxury homes on the water in Maine after a career in building power plants for alternative energy, and her 17-year-old stepson who is a rising high school senior in Maryland.

The constant movement has become a way of life for this peripatetic corporate lawyer, who confesses that time off is important in a life like hers, though often elusive. "I feel sheepish about a long stretch without a vacation. And last year was a fabulous year for GE deals, and a terrible year for personal time," said this international negotiator. "I hope to redress that this year."



## DEALMAKERS

OSAGIE IMASOGIE L'85

### IMASOGIE USES AFRICAN PROVERBS AS INSPIRATION TO DEVELOP DRUGS

BY TASNEEM PAGHDIWALA

A native of Nigeria, Osagie Imasogie L'85 grew up listening to the ancient proverbs of his mother's people, the Yorubas. Though he now holds degrees from the London School of Economics and Penn Law School, and lives with his own family in suburban Pennsylvania, he still feels the pull of those simple but powerful Yoruba sayings.

Which he uses, quite literally, as business tools. During the latter phases of a twenty-five year career in the pharmaceutical industry, the last ten in the pharmaceutical industry, Imasogie has relied on "home truths" to develop an unusual and trademark approach to solving problems and raising venture capital.

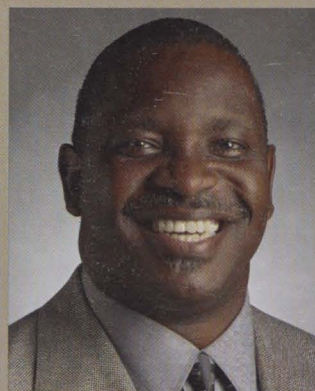
For example, when he became Vice President and Director of GSK Ventures at GlaxoSmithKline, he had been thinking about the hundreds of new medicines large pharmaceutical companies halt in mid-development when one of his mother's proverbs came back to him: "A crumb from an elephant's meal is a feast to the ant." With that in mind, Imasogie formulated a system in which smaller biotech start-ups could complete and market the products gathering dust on the shelves of "elephantine" pharmaceutical players. They could then use their cash capital to fund the projects they obtained rights to under the model Imasogie devised, and repay the larger pharmaceutical company in equity.

This model enabled Imasogie and his team to fund pharmaceutical start-ups, such as Avera in San Diego, Nikem in Milan, and MerLion in Singapore, which in turn created wealth and numerous new medicines that may have otherwise stagnated in development and never reached people in need.

Imasogie struck gold again with Trigenesis Therapeutics, Inc., a privately held dermatology company he founded after leaving GSK Ventures in 2003. This time his inspiration came from the Yoruba proverb, "People are the currency of life." He applied that saying by pulling together a small team of creative colleagues and using his industry contacts to acquire assets from larger pharmaceutical companies that he could further develop. Six months later, a larger company, Dr. Reddy Laboratories, swallowed Trigenesis at a premium price.

Using ancient West African proverbs as a business model is, to say the least, a foreign concept in the fast-paced world of venture capital. But the response to this unorthodox method has been surprisingly strong. "People in the States do not usually talk in proverbs, so I think they are intrigued when I explain what would otherwise be complex concepts to them using this method," Imasogie explains. "That will likely lead them to remember my ideas and comments."

Do the people Imasogie does business with always appreciate how deeply these proverbs shape his investment strategies? Not always, Imasogie admits. But, he adds, "When the people I'm working with fully grasp what I'm trying to do, like they did at GSK



Ventures, the end result is that much more profitable and valuable."

Before joining GSK Ventures, Imasogie was Vice President of Product Development Strategy at SmithKline Beecham. He has also served as Vice President of the International Division at DuPont Merck, and the Founding General Counsel, Sec-

retary and Senior Vice President of Business Development for Endo Pharmaceuticals Inc. In addition, he was General Counsel for the Manufacturing, International and Generic Drug Divisions of DuPont Merck, as well as a Partner in Charge of the Corporate Finance and Advisory Finance groups of PricewaterhouseCoopers for West Africa.

Among the medicines that Imasogie has brought to market is Lidoderm<sup>®</sup>, a topical drug used to treat nerve pain that develops and recurs after shingles. Lidoderm<sup>®</sup> has become Endo Pharmaceuticals' number one product, generating almost \$300 million this year.

Imasogie attributes part of his success in venture capital to the emphasis placed on the confluence between law and business in many of his classes at Penn Law. "You did not feel restricted to one or another aspect of the law. You knew you could go in many different directions with your degree," he says. To further pursue his interest in business and economics while in law school, Imasogie joined the Journal of International Capital Market Law (now the Journal of International Economic Law) as an editor and took advantage of course offerings at Wharton.

Currently a member of the adjunct faculty at Penn Law and Chairman of the Board of The International House of Philadelphia, located on Penn's campus, Imasogie acknowledges that anyone interested in the commercial side of the healthcare and pharmaceuticals industry must have what he calls a "high-risk appetite." According to Imasogie, fewer than 10 percent of drugs make it through the development phase and to market - which can take more than 10 years, a long time for investors to wait for a return.

Imasogie does not view his work in the pharmaceutical industry merely in terms of risk assessment and profit margins, however. At the end of the day, what excites him most about his work is the intellectual stimulation it provides, coupled with the knowledge that he is helping to bring medicines to millions of people around the world.



## NEARING 20 YEARS AS DEALMAKER, GITTIS STILL RELISHES A LITTLE RISK AND REWARD

BY LARRY TEITELBAUM

At age 50, Howard Gittis L'58 decided he needed a little "R&R." It wasn't a day at the beach he was after but more risk and reward. So, in 1985, he left a prosperous career as a lawyer to join the management team at MacAndrews & Forbes Holdings Inc. It was the best decision he ever made in a career filled with them.

"My only regret is that I should have done it five years earlier," says Gittis.

MacAndrews & Forbes, which has holdings in Panavision, Revlon and a number of other diversified interests, counts on Gittis, the company's vice chairman & chief administrative officer, to wager big money on major deals, turn the investment into even bigger returns and reinvest the "winnings" into future acquisitions.

Gittis has played this high-stakes game of poker for nearly 20 years, during which he has mastered the art of negotiation. And what has he learned? "Judgment is the ultimate skill to possess in dealmaking," confides Gittis, during an interview in his New York office. "You have to know when and when not to push. In any transaction there has to be something in it for both parties."

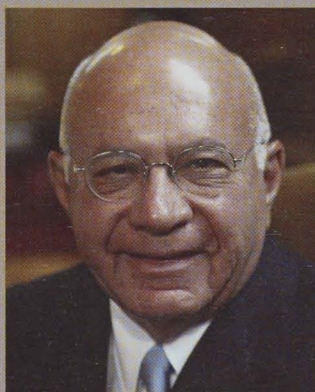
He's also discovered the virtue of personal contact. "We have all the video conferencing facilities, but there's nothing like sitting across the table or breaking bread with someone you're trying to do a transaction with, or having lunch or dinner with your operating executive."

Corporate diplomacy has worked well for Gittis, who has guided the company through more than 30 deals, the most celebrated among them the hostile takeover of Revlon in 1986, which, to his knowledge, remains the only transaction entirely financed by high yield bonds. The other deal that sticks in his mind was also the largest – the sale of Golden State Bancorp to Citigroup for \$6 billion.

As right-hand man to legendary financier Ron Perelman, Chairman and CEO of MacAndrews & Forbes, Gittis wears the mantle of authority like a velvet slipper. Smooth and self-assured, he speaks in quiet, measured tones. From his cigar, to his silver cufflinks, to his contemporary-art adorned office, Gittis exudes the air of someone accustomed to holding and exercising power.

The Philadelphia native acquired this patina of success through luck, toil and a little help from Penn Law School, where he is currently an overseer. After graduating from the Law School in 1958, Gittis served in the Air Force at a base in Illinois. One day he got a life-changing telephone call from then-Penn Law Dean Jefferson Fordham. Fordham told Gittis that Tom McBride had just been appointed to the Pennsylvania Supreme Court and needed a law clerk – Could he come meet him?

Gittis arranged a 10-day leave. He met McBride for lunch at the Law School, and left with a job and, unknown at the time, a career track. After finishing his service commitment six weeks lat-



er, Gittis returned to clerk for McBride, with whom he stayed when the Justice lost the next election and started his own law firm.

That job led to a position with Wolf, Block, Schorr and Solis-Cohen, his home for 25 years, including nearly half the time as Chairman of the Executive Committee. Running one of Philadelphia's most

respected law firms held its rewards, but even in a leadership position, Gittis was just another voice in the endless debates over policy and cases. He felt like a member of Congress – you have clout but not the final word. And that's what he wanted: the ability to make decisions.

"I loved being a lawyer ... and I loved Wolf Block. But there comes a time in your life when you want to do something different," says Gittis, recounting his decision to move on.

Maybe it was the 32 helicopter trips to Perelman's office in New York in 1984 that hastened the career change. Gittis, who represented Perelman, found himself spending so much time shuttling back and forth that he figured he might as well make the switch. When Perelman made an offer, Gittis accepted without hesitation.

In the early years, Gittis studied financial statements like an archaeologist poring over maps to El Dorado. That knowledge would serve him well at a capital-intensive company that uses its own money and develops intricate investment strategies. He became familiar as well with the daily challenges of the company's operating executives. And that, too, would serve him well.

Today, Gittis runs everything from the legal to the public relations departments at MacAndrews & Forbes. He sits on the board of directors. At least two businesses report to him at any given time, which means new problems hit his desk almost every day. One day an acquisition in France hits a snag, another day it's a new plant in China that needs attention. When he's not on the phone trouble-shooting, Gittis jets around the globe, logging 100,000 miles on average per year. And he positively loves it.

"It's been a very exciting 19 years," says Gittis. "Every morning I come walking into my office I don't know quite what's going to happen that day. But it will be something that is exciting and smart and requires interplay with a number of highly motivated, intelligent people both on our side and on the other side of the transaction."

Which is why he says: "I expect to continue to work for a very long time."



## DEALMAKERS

MARK DAVIS L'75

# FOR MARK DAVIS, PUERTO RICO PROVES TO BE FERTILE GROUND FOR DEVELOPMENT

BY TASNEEM PAGHDIWALA

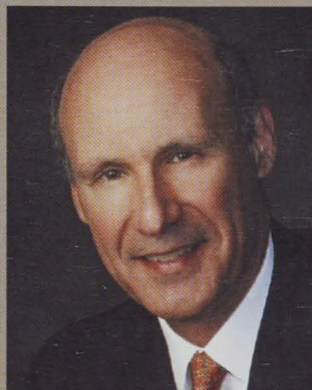
In 1950, the parents of Mark Davis L'75 purchased a home in the tree-lined West Oak Lane section of Philadelphia for \$8,000. The family decided to move in 1970, so they put the house on the market and sold it for \$8,500. Witnessing this transaction, the young Mark Davis did the math and found himself rather unimpressed. He reasoned that a net profit of five hundred dollars over a twenty-year period left something to be desired and, somehow, he sensed that he could do better.

Both literally and figuratively, Davis has come a long way from the residential real estate market of his childhood neighborhood. In fact, his then-budding interest in development eventually transported him outside the continental United States altogether, landing him among the white beaches, high-peaked mountains and thriving real estate arena of Puerto Rico in the late 1980s.

After graduating from Penn Law in 1975, Davis took a position with Dechert Price & Rhoads (now Dechert LLP) in Philadelphia. Dechert, then primarily a corporate law firm, afforded little opportunity to practice real estate law, so Davis departed for the warmer climes of Miami in 1976, where he joined the real estate group of Greenberg, Traurig. There he represented a number of Florida's major condominium and Planned Unit Developers (PUD). In 1984, as he was lecturing on real estate law around the country, he was asked to open the firm's first branch office in West Palm Beach. It was also in that year that he married his wife, Yoly Villamil.

In 1986, Davis took a carefully calculated leap of faith and left the practice of law altogether to enter the world of shopping center development. Working with his wife, he initially focused his development efforts in the southeastern United States, where he formed a relationship with real estate representatives from Wal-Mart Stores, Inc. Davis found that his tenants in Florida and surrounding states consistently advised him to turn his attention to the retail market in Puerto Rico, where retail space demand greatly outpaced supply. Entering the shopping center development market in Puerto Rico would be a potentially easy transition for the Davis family as Yoly, a native of Puerto Rico, was already somewhat familiar with the industry there.

Davis was initially hesitant to explore this new market, however. "I have a lead ear for foreign languages, and Spanish is no exception," he explains. Despite this concern, they began development efforts in Puerto Rico in 1988. Davis soon found that the language barrier proved to be a less formidable obstacle than he had feared, and the family eventually moved to Puerto Rico in 2002 after years of commuting from Florida to the island. "I have been able to get away with not being fluent in Spanish, because the language of business of the kind I do here is English, and the business community is, for the most part, bilingual. Learning Spanish, however, is high on my agenda this year."



Once he decided to focus on the retail industry in Puerto Rico, Davis reached out to the contacts he had made at Wal-Mart and proposed to develop Wal-Mart-anchored shopping centers there. At that point, the company had not considered international expansion, but when they were ready to head in that direction

eighteen months later, they contacted Mark Davis first. Under the operating name TJAC, Inc., Davis and Wal-Mart became partners in a unique real estate joint venture. From 1990 to early 2001, TJAC developed over four million square feet of shopping center space across Puerto Rico. When the last of the joint venture projects with Wal-Mart were sold in April 2003, they constituted the largest real estate transaction ever completed on the island.

"I really enjoy the deal-making and creative part of the business," says Davis. "I am energized by coming up with solutions and strategies to complex problems that others have said were impossible to solve." The real estate market in Puerto Rico presents Davis with enough of these complex problems to keep him happily occupied. Mountains cover sixty percent of the island, leaving little room for development. Any available land, therefore, comes with a steep price tag. The development of land is also governed by a lengthy, complicated permit system. The combination of these elements would likely cause many developers to pack up and catch the next flight to a more conventional market. By training himself to focus instead on the profit that lies just ahead of these "minor obstacles", Davis has established himself as a key real estate player in Puerto Rico.

He acknowledges valuable mentors who helped him develop problem-solving skills along the way. Chief among them is his favorite, now-retired professor at Penn Law, Jan Krasnowiecki. Krasnowiecki taught first-year Real Property, as well as advanced courses in condominium law and mortgage law. "Whatever he taught, I took," Davis recalls. Although he no longer practices law, Davis believes his career success is built on his legal knowledge. "I owe a lot to my experience at Penn and the legal profession."

"Location, location, location": it's the hackneyed slogan of real estate literature, but Mark Davis's career affirms the importance of placing oneself in the right place at the right time.



transactions, loan transactions, and transfers of assets. They have helped mom-and-pop shops with contracts and advised a Philadelphia-area wedding planner on trademark and franchise issues.

Another Penn Law advantage for young dealmakers is the school's close ties to the Delaware courts. Penn Law sends a steady stream of students to the Delaware Court of Chancery to clerk for judges, including Vice Chancellor Leo E. Strine Jr., L'88. "When you're put on this court in Delaware," Strine says, "you realize it's a very special trust. There's a tradition. There's an expectation." He rules on takeovers, business disputes, and M&A issues — in cases such as *IBP v. Tyson* and *Hollinger v. Black* — on a court famous for its efficiency and the overwhelming percentage of business cases it hears. Among dealmaking lawyers, chancery court judges are known for their power to be "deal un-doers." Explains Strine: "What we endeavor to do is operate at the business world's speed, and you may not like the answer, but you will get an answer."

In Strine's view, who are good dealmaking lawyers? Ones who are thoughtful, who do their homework, appreciate the implications of legal doctrine, understand the human dynamics of dealmaking, and can assess the conflicts and risks to sagely advise the parties involved.

That's why domestic and international companies look to Victor I. Lewkow, L '73. "I like the interrelationship between the legal issues and the business issues," he says. "I enjoy helping managers deal with the overlap so they can make business decisions based on good legal advice."

The American Lawyer named Lewkow, a partner at Cleary, Gottlieb, Steen & Hamilton in New York, a "Dealmaker of the Year" for 2002. He says he works to meet "the differing needs of different clients" in such deals as HSBC's acquisition of Household International; Marsh & McLennan Companies' acquisition of Kroll Inc.; and South African Breweries' acquisition of Miller Brewing Company. He is currently overseeing PeopleSoft's defense against Oracle's hostile tender offer.

A contested transaction like that, says Charles I. "Casey" Cogut L'73, requires a mixture of legal and strategic thinking and is "both the most challenging type of M&A deal and the most fun."

Cogut, a partner and head of the mergers and acquisitions practice at Simpson Thacher & Bartlett LLP in New York, recently represented Manulife Financial Corporation in its acquisition of John Hancock Financial Services Inc.; Ripplewood Holdings LLC in its acquisition of the landline phone business of Japan Telecom Holdings Co.; and JLL Partners as the largest



shareholder of Advance PCS in connection with its acquisition by Caremark Rx, Inc.

Cogut says he got "turned on" to corporate law as a student at Penn Law and never looked back.

On June 25, 2003, it was time for Jim McKenzie to look ahead. Public trading of AFRT started on the NYSE. On June 27, the CEO of AFRT rang the opening bell at the Stock Exchange. "Standing on the floor of the NYSE as I saw the first AFRT trades go across the tape, that was a tremendous experience for me," recalls McKenzie.

On June 30, McKenzie and his colleagues closed the IPO, settled the debt financing, and completed AFRT's 158-property acquisition. "It was about as smooth and issue-free as any day I had," says McKenzie. "I had seen a group of people come together with a dream . . . It felt very good. I felt I had helped them accomplish something that was very good for this company, and for the firm."

He still advises AFRT on a regular basis, but feels "a little bit of withdrawal" after the intensity of racing for the deal. But McKenzie has no time to pine for yesterday. This year, he is managing four IPOs — running ahead of the three IPOs he completed in 2003. And it's only September. **PLJ**





PART TWO

# A 1L ODYSSEY

MELISSA IACHAN NAVIGATES  
THROUGH FIRST YEAR OF  
LAW SCHOOL

BY LARRY TEITELBAUM



**T**he school year is nearing an end. It is as if Melissa Iachan has been out to sea for several months and now spots land. She can see the shore, but before she gets there she must first navigate a few remaining shoals. One of them is oral argument.

Melissa is about to make what amounts to her closing argument for her first year of law school. She has the opportunity to display everything she's learned: her research skills, reasoning ability, and aptitude for thinking on her feet.

As her day in court approaches, Melissa hones her argument, which she had spent a weary week encapsulating in a 35-page brief. When the day comes, Melissa arrives at the U.S. Courthouse in Philadelphia excited and confident. Still, she wants to get it over with. At a little past 8 p.m. Melissa, hungry and tired, is invited into the courtroom. She stands before a panel of three judges (actually law clerks themselves only a year removed from Penn Law School).

The case, which had been heard in the U.S. Supreme Court, involves a Native American Indian who was convicted in tribal court and again in federal court for assaulting a federal officer. Melissa represents the government.

In a dry run earlier in the year, albeit of a different case, Melissa came off as too combative. A panel of 3L students interrogated her. They tried to puncture her poise with constant interruptions and tough questions. She bridled at their questioning. Mindful of that experience, Melissa is determined to maintain a cool demeanor this time.

Melissa, her long blonde hair pulled back, begins to present her case. She carries herself with decorum and respect, spicing her presentation with "your honors." However, not two minutes into it, the judges begin to probe. One judge wants to know why Melissa asserts that the case appears to be about constitutional issues but is not. Melissa scans her notes and parries.

More than an hour later, the fencing match is over. Relieved and ecstatic, Melissa goes home.

Her own assessment? "It's hard to listen (to the judges) when you're up there, because your mind is working so fast, there's so many things you're reminding yourself of. But overall I thought I did a good job."

## ON TO THE SECOND SEMESTER

Melissa returns from winter break recharged. She vows to reassess her study habits. Maybe she will start outlining material earlier, or preparing note cards with key information for her one

in-class exam — although she readily admits that there is no foolproof way to beat the system.

Fortunately, the second semester shimmers like an oasis. Melissa weathered the dry material, the basic building blocks of a legal education. Now she gets to choose electives. It's fun. Classes are smaller. Students from other sections are in her class, even some 2Ls and 3Ls.

Her electives are Environmental Law and Legal Responses to Inequality. She finds both classes stimulating. They are also more informal than the required courses: Criminal Law and Constitutional Law, which she also enjoys.

She calls Criminal Law Professor Stephen Morse "a phenomenal lecturer." Assistant Professor Kermit Roosevelt, who teaches Constitutional Law, encourages freewheeling, theoretical discussions. Legal Responses to Inequality, taught by Howard Lesnick, reminds her of undergraduate philosophy courses she loved. And then there's Jason Johnston's class on Environmental Law. Melissa liked him so much in the first semester that she has enrolled in another one of his classes.

Less fun — but no less important — is Legal Writing. Melissa spends more time on Legal Writing than on any other subject — up to 30 hours a week. There's good reason for that, according to Anne Kringel, Senior Lecturer and Legal Writing Director. "Law is a writing profession," she says. "All lawyers have to communicate a position and answer questions about it. All lawyers have to be able to structure a persuasive argument. It may be in the format of a brief. It may be a letter to a client, or a letter to opposing counsel. It may be part of a settlement negotiation. It may be part of a deal negotiation. There are very few lawyers who don't write on a daily basis. It's a vital skill."

Melissa painstakingly learns that skill as she slaves over her first brief. She had a week to conduct research, gather resources and write an outline — then four days to write. The day before it was due, she didn't sleep at all.

Come Monday, Melissa drags herself to Criminal Law class first thing in the morning. "I've never seen more bags under eyes," says Melissa. "I didn't enter anything resembling the horizontal position from 11:30 Sunday morning until 4 o'clock Monday afternoon. I was writing, writing, writing. I finished at 7:30 in the morning, took a shower, got some coffee, came to school, went and sat in class for four-and-a-half hours straight, went to lunch with Professor Morse. I was delirious by the afternoon."

What makes the work tolerable is the support she receives from faculty. "One of the biggest draws for me is the amount of interaction you have with faculty. I went out to lunch with



## A 1L ODYSSEY, PART 2

every one of my professors the first semester and most of them this semester. They're extremely accessible. Most of them are interested in what students want to get out of law school. They don't just talk about Trusts and Estates."

And her classmates have been great. "Everyone is just as scared as me, and not trying to cover it up by being showy or arrogant or competitive. We're all here to help each other. It's an amazing feeling and one that I didn't expect to have in law school."

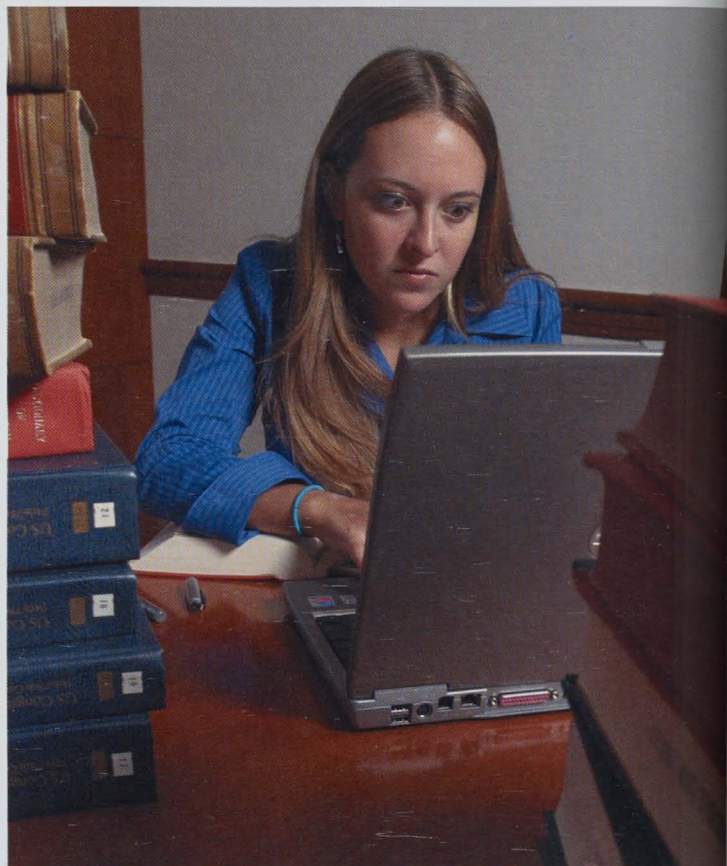
It's gratifying as well when your efforts are rewarded. Melissa's brief laid the groundwork for a stellar performance at oral argument, where the judges praised her poise and preparation. Paying her the ultimate compliment, they said she and co-counsel, Steve Park, made the best presentations of all the 1Ls.

### HOMESTRETCH

Melissa's first year is fading fast, and so many decisions lie ahead. After a taste of different areas of the law, she is still mulling what she wants to do after law school. Regulatory law? First Amendment issues? General Litigation? Transactional Law? International Law? All are possibilities.

"That's the beauty, I guess, of having a law degree because you can do a lot with it," says Melissa, who during the first semester began to waver about public service work.

More immediate is her need for a summer job. The job market is competitive. It is next to impossible for most 1Ls to snare a high-profile position in a major law firm. After a few false steps, Melissa nails a job – as a research assistant to Jason



She will advise incoming students to embrace the Socratic Method, to focus as much on learning as on grades, to plunge into extracurricular activities, and to drink in all that Philadelphia has to offer.

**"We're all here to help each other. It's an amazing feeling and one that I didn't expect to have in law school," says Melissa Iachan.**

Johnston. Johnston, who taught Melissa in both semesters, sees progress in her grasp of the material. By the end of the year, she seems "more comfortable and confident."

That confidence will be put to good use in the fall, when Melissa will be at orientation to help ease the new 1Ls' transition to law school. And what will she tell them?

Oh, one other thing she will confide: "You will be able to write a 35-page appellate brief by the end of the year without dying." **PLJ**



The Law School's Friendly Face,  
**Isabelle Johnston**  
**Bids Farewell**  
after 36 years of Service to Deans

BY LARRY TEITELBAUM

**I**sabelle Johnston, 1968-2004. This is not an epitaph but a celebration of a wonderful career. After 36 years, Isabelle has retired.

In that time, she was perhaps the most important voice and face of Penn Law. She was certainly among the most enduring. Deans come and go but Isabelle was a constant.

Think about it. Over more than three decades Isabelle was assistant to almost as many deans as America had presidents. The roll call: Bernard Wolfman, James Freedman, Louis Polak, Robert Mundheim, Colin Diver, and Michael Fitts. That she served each with such good cheer and unswerving loyalty is testament to her perseverance, dedication, organizational skills, and ... patience.

"Isabelle's cheerful smile and helpful attitude has made the Dean's office a more welcoming place for students, alumni, and faculty," said former Dean, Robert Mundheim. "The Law Community will sorely miss her. And I won't know who to call to catch up on Law School news."

To a close-knit community like Penn Law's, Isabelle's departure was seismic, which is why Dean Fitts, her current dean, noted her retirement in a schoolwide e-mail with an air of resignation but also eternal gratitude.

He wrote, "Isabelle's work in this office has been, in a word, indispensable. Her intelligence, intuition, judgment, and com-

mitment to excellence underpin much of the work that is accomplished here. I, for one, simply could not have done my job without her.

"And Isabelle's dedication," Dean Fitts continued, "has accrued not only to my advantage and my predecessors, but also to the many faculty, staff, and students who have had the benefit of her wise counsel and institutional memory. Through her thoughtful advice and personal example, Isabelle has reminded all of us of our obligations to each other, and to the community."

Isabelle took anything but a traditional route to Penn Law. She was in the convent when her mother got sick. Already planning a one-year leave of absence, Isabelle moved back home to care for her mother. In need of a job, she applied for secretarial positions at law firms. (She had been an attorney's secretary for a year after high school.)

One day her cousin, who worked at Penn, encouraged her to apply for a job at the University. So she took a test, and what do you know, went on an interview and was offered a job the next day, as secretary to Bernard Wolfman, then a member of the faculty. When Professor Wolfman was named dean in 1970, she followed him, splitting duties with Rae DiBlasi, who had been assistant to Dean Jefferson Fordham.

Wolfman remembers his first encounter with Isabelle. When she arrived for the interview, he thought her an unlikely choice



## ISABELLE JOHNSTON

“She was superb — a courteous, thoughtful and caring person with all the requisite skills, and with intelligence, tact and fine judgment,” says former dean Bernard Wolfman of Isabelle Johnston.

for the job, given her youth and lack of experience. But he was persuaded by her quiet confidence and evident interest in the position.

“There was something in her manner that gave me the sense that she would be satisfactory,” says Wolfman. “Wow, did I underestimate Isabelle! ‘Satisfactory’ does not come close. She was superb — a courteous, thoughtful, and caring person with all the requisite skills, and with intelligence and tact and fine judgment.”

Just as ‘satisfactory’ does not describe Isabelle’s job performance, nor does ‘thoughtful’ and ‘caring’ adequately express her kindness. Recalling Isabelle’s boundless compassion, Dean Diver dialed back to the day in 1995 when she put through a call from his wife, who told him his mother had died.

“I put down the phone and cried like a baby. In fifteen minutes, Isabelle had managed to console me, make travel arrangements for us to get to Boston, made a checklist of things for me to do, canceled my appointments for a week, notified friends, family, and colleagues, and generally put me back together and got me functioning again,” Diver says.

“It was all in a day’s work for Isabelle, for whom nothing was too difficult or too easy, too mundane or too challenging — and for whom nothing was as important as keeping those with whom she worked happy.”

She also knew how to be diplomatic. “People used to ask me, ‘Who was my favorite dean?’ And I used to say, ‘They were all totally different. They had different personalities and I liked every one of them,’” Isabelle professes.

Count Louis H. Pollak among the deans she enjoyed working for — even on weekends. Isabelle laughs when she remembers how, in warm weather, Pollak used to spread papers out in the courtyard to finish work he couldn’t get to during the week. “I used to think, ‘At least I’m getting some sun.’”

Pollak’s memories of Isabelle are equally affectionate. “Of Isabelle’s many talents, those that are paramount are her humanity, her insight, her clear-eyed understanding of people’s strengths and weaknesses, her unfailing ability to draw the best out of everyone, her wise humor, and the unfailing honesty and



decency with which she lives every aspect of her own life and which she expects in others,” Pollak says. “I count it a cherished privilege to have had Isabelle Johnston as a colleague and to continue to have her as a friend.”

In her early years at Penn Law, Isabelle used mimeograph machines to make copies, an electric typewriter to write correspondence, and appointment books to record deans’ schedules. Much has changed since then, but one thing has remained the same: Isabelle’s professionalism.

“The Law School, its educational mission, the students, the Dean and faculty, and the alumni are all the better for Isabelle’s remarkable years with the school,” Wolfman says. “Her mark on the school is indelible. She will have successors, but she will never be replaced.”



# G-L-O-R-I-A!



## Beloved Registrar Gets Big Send-Off Before Retirement

BY LARRY TEITELBAUM

**S**tudents, faculty and administrators rose in unison at this year's graduation to give Registrar Gloria Watts a standing ovation and well-deserved send-off into retirement. It was a fitting valedictory and a memorable curtain call for one of the Law School's longest-serving employees. The spontaneous outburst of affection no doubt stunned and embarrassed the unassuming Gloria, accustomed as she is to working with a quiet efficiency that belies her contributions to the Law School over the last 44 years.

"When you attend a Penn Law graduation, and you see a rousing ovation for the registrar, that's when you can palpably feel Gloria's uniqueness and what she has contributed to making our great law school a great community," says Vice Dean for Administrative Services Jo-Ann Verrier L'83.

When she retired in September, Gloria had been registrar for twelve years, overseeing registration, administering exams,

recording grades, issuing transcripts and, as she says, performing an "endless" number of other tasks. During her Law School career, she had also been assistant registrar, assistant to the vice dean, a senior admissions assistant, and faculty secretary.

"In each of these roles, Gloria has touched the people with whom she has worked," says Dean Michael A. Fitts. "Her dedication to students and faculty, her warmth and lively sense of humor, and her unwavering commitment to doing whatever is necessary to get the job done (including missions to remove pigeons from exam rooms) have made her an important and defining member of this community. Her presence will be missed."

Gloria came to Penn Law as a green high school graduate. Penn had sent a job recruitment letter to her high school business teacher asking the educator to recommend students. She was seventeen years old when the Law School hired her for a position as a faculty secretary assigned to professors John Honnold and Paul Bruton. "At seventeen you're just so unsure of



## GLORIA WATTS

everything,” recalls Watts, who managed to do well enough to gain steady promotions, culminating in her appointment as registrar in 1992.

Gloria’s replacement, Claire Wallace L’95, who spent a couple months as her understudy, marvels at the ease with which Gloria did her job. “I was constantly amazed with her knowledge and her ability to translate all of this information to me in way that is clear and organized ... She was a model of excellence for this office and for the Law School — hard working, dedicated, and always ready to share a good laugh,” says Wallace. “She was tireless in her commitment.”

As registrar, Gloria endeared herself to students with a gracious manner and motherly touch. She helped them solve problems, both academic and personal. Gloria stepped in to straighten out students’ scheduling snafus, or to offer encouragement and kind words.

Ashley Lunkenheimer L’02 said she will never forget Gloria’s kindness. Ashley, who always assumed she would go to Penn Law, had hoped her father, Karl, an alumnus, would guide her through the first year. But he died suddenly a few



“When you attend a Penn Law graduation, and you see a rousing ovation for the registrar, that’s when you can palpably feel Gloria’s uniqueness and what she has contributed to making our great Law School a great community,” says Vice Dean for Administrative Services Jo-Ann Verrier.

years before she entered law school. Still mourning his loss when she started law school, it comforted her when Gloria, who knew Ashley’s father as a student, approached her on campus and started reminiscing about him. Gloria even introduced Ashley to other people who knew her father, and they shared stories with her. “It was that kind of personal touch that Gloria was unafraid to share with students, and for that, she should be well-remembered,” says Ashley.

It would only make sense if students remember Gloria, because she always remembered them, no matter how long ago they had gone to Penn Law, or how long it had been since their last visit. Daniel Markind L’83 can attest to her photographic memory.

In 1998, fifteen years after his graduation, Markind returned to Penn Law to get a copy of his transcript, which he needed to submit with his application to the New York State Bar. The minute he walked in the registrar’s office Gloria said hello and greeted him with a big hug. The summer associate who accompanied Markind was floored that she recognized him and was so

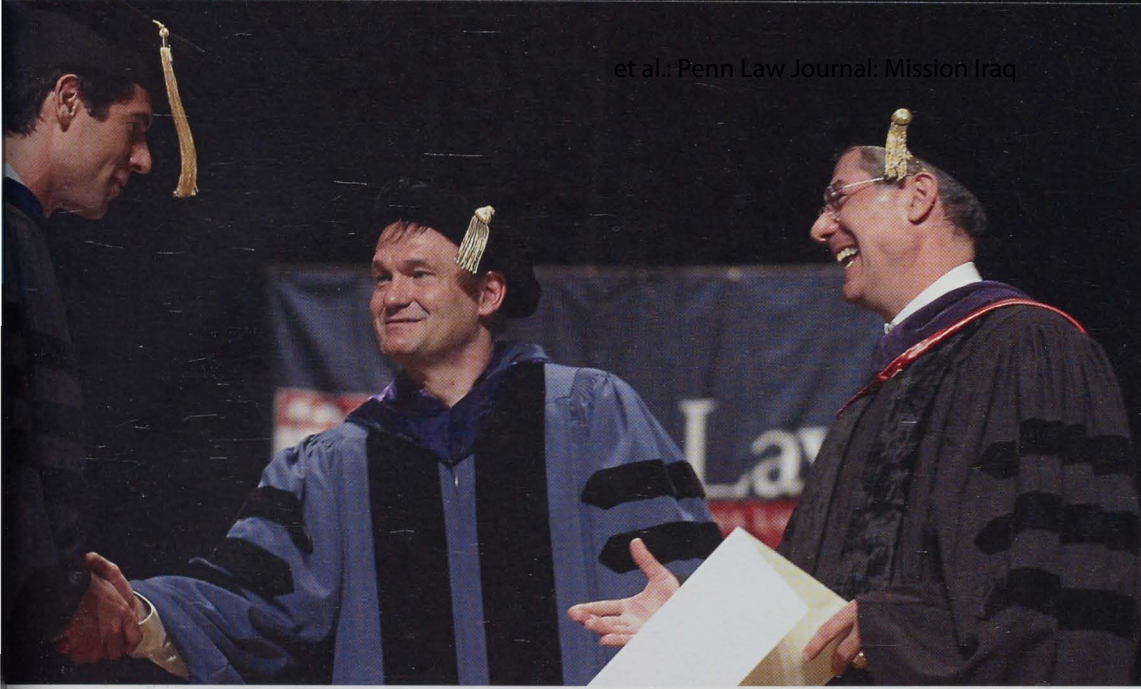
helpful. He doubted if the registrar at his school, where he was still enrolled, would know who he is.

“Gloria did some great work on behalf of the Law School that day, and 15 years after I graduated she made me feel like a million bucks. You can’t ask for better than that. I, and the Law School, will miss her terribly,” said Markind.

As will Associate Dean for Student Affairs Gary Clinton, who supervised Gloria for twenty-two years. “I can’t imagine life without Gloria,” says Clinton, who agreed that she was the ultimate problem-solver. “She was the least bound by red tape of anybody I know. She figured out how to get things done.”

And what will Gloria miss? The staff, faculty, and especially, the students. “They’re fun and they’re smart,” says Gloria. “To my way of thinking, there is no greater reward than being acknowledged by students for some simple little thing you have done.” **PLJ**





Déan Michael A. Fitts congratulates Andrew Fagenholz on receiving his diploma as Paul Levy L'72, chairman of the board of overseers, prepares to shake his nephew's hand.

# GRADUATION

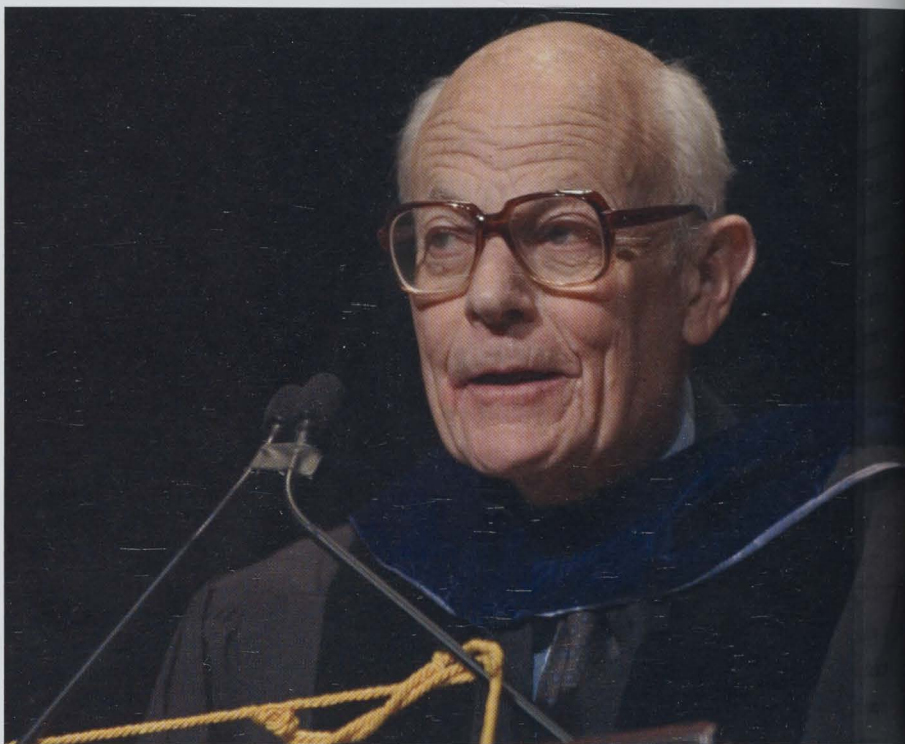
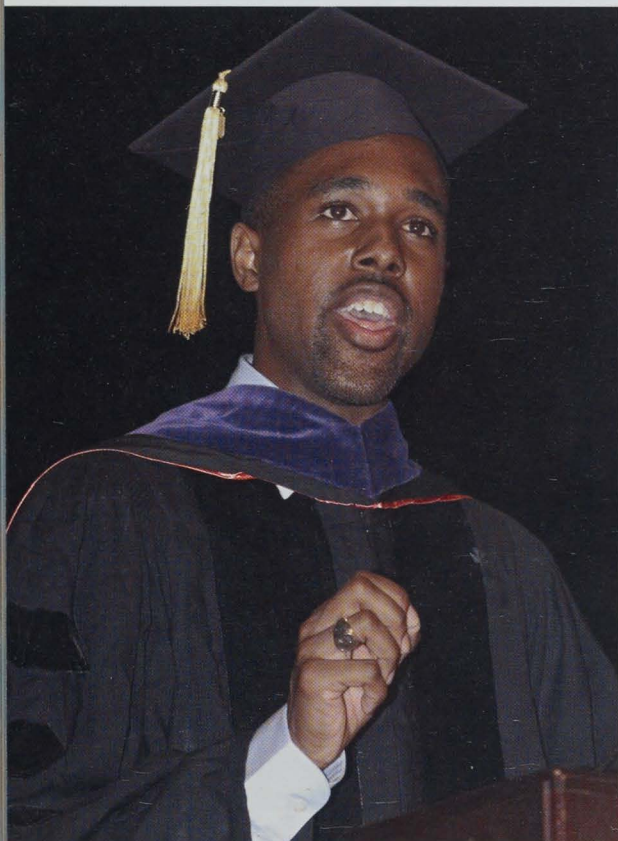
Reunion was a big hit once again, as alumni enjoyed a picnic, class dinners and a panel discussion during a sun-dappled weekend in May.

# REUNION





## GRADUATION



LEFT: Class President Albert L. Sanders Jr. recounts historic day he heard Michigan affirmative action case argued before U.S. Supreme Court. ABOVE: Judge Louis H. Pollak talks about *Brown v. Board of Education* case, on which he worked.

### Commencement Speakers Implore Students to Work for Justice

**MESSAGES OF EQUALITY AND JUSTICE** threaded through the graduation ceremony in May, as 249 J.D. students, black and white, Asian and Hispanic, strode down the aisle to receive their diplomas.

To sustained cheers from family and friends seated in three circular balconies at the Academy of Music, the graduates earned their degrees on the exact day, 50 years ago, that the Supreme Court issued its famous *Brown v. Board of Education* decision.

Judge Louis H. Pollak, who worked on the case, told students that lead lawyer Thurgood Marshall helped bring the country closer to the equal protection promised in the Constitution. However, he said, Marshall's work remains unfinished.

Noting the continued lack of state funding of poor school districts, Pollak said inadequate tax support undermines the

pursuit of genuine equality for all schools. But he pointed to the new Thurgood Marshall School of Social Justice in Bridgeport, Conn., as a hopeful sign of progress.

"The goal of good, and racially integrated, education can be achieved," said Pollak, a former Penn Law Dean who is now a judge on the U.S. District Court for the Eastern District of Pennsylvania.

Picking up the theme, class president Albert L. Sanders Jr. talked about the day in April when he slept on the sidewalk in Washington, with countless other students, so he could witness the historic Supreme Court hearing on the University of Michigan affirmative action cases.

Reflecting on that gathering, Sanders said the students represented every race, religion, social class, political party and gender, just like the students in his graduating class. Also graduating were 77 LL.M. and 6 LL.C.M. students and 1 S.J.D. student.

Speaking to his classmates, Sanders said, "I hope that we use our outstanding education, extraordinary access and Ivy League credentials to bring the promise of *Brown v. Board of Education* to all Americans... I hope we realize soon that we are the hope of the future."

Not far removed from law school herself, Julie A. Su, litiga-



tion director of the Asian Pacific American Legal Center, recounted another, more recent effort to ensure justice. She represented 72 garment workers from Thailand who were forced to work behind barbed wire and under armed guard in a two-story apartment outside Los Angeles. To make matters worse, when law enforcement officials discovered the workers, they put them in federal prison, Su said.

Outraged, Su said she and a small group of activists talked to the media and put pressure on elected officials to not only win the workers' freedom but over \$4 million in settlements from the clothing manufacturers and retailers for whom they had worked.

"I learned then that thinking like a lawyer means not letting the imperfections in our legal system demoralize us or undermine our will to fight for its higher ideals," said Su, who received an honorary fellowship from Penn Law.

"Each of you ... will have access, you will speak the language of power in our society," she continued. "Use it to hold doors open for others and to help them be heard."

Just as Louis H. Pollak did fifty years ago.



Yonina Bendheim Jacobson receives her diploma amid her growing family.

## She Earned a Law Degree Despite Five Children. Get Guinness on the Phone.

**IT HAS BECOME A WARM TRADITION.** Some graduates march up to receive their diplomas with one, sometimes two of their children in tow.

Then there's Yonina Bendheim Jacobson L'04. At this year's graduation ceremony, she had her five – that's right, five – children join her on stage. As impossible as it seems, Yonina started law school with four children and had another one in her last year, yet she made it through. How did she do it?

"I have been trying to balance work and family most of my adult life so the stress of law school felt kind of familiar," says Yonina, whose sons and daughters ranged in age from 10 to two months when she graduated in May.

Yonina, a former schoolteacher, acknowledges that parenting that many children while going to law school presented challenges, but also provided benefits. She distinctly remembers one pitfall of parenthood. It came during her first year. A professor called on her as she walked into class late, delayed by a tardy babysitter. But, on another occasion, the pluses were apparent, as when a professor led a discussion in torts class on the value of car seats. Who could understand the issue better than the mother of four children strapped into a minivan?

"I loved being in law school but having the family at home to anchor me and give me some perspective was really helpful," says Yonina.

"Law school was great fun and I learned a ton. Everyone at Penn was terrific and wonderfully accommodating. I am proud that I did it and would do it again in a nanosecond."

And now, as if attending law school while raising five children wasn't hard enough, Yonina has accepted a part-time job with an environmental law firm in southern New Jersey. Her office is at home.

"I don't know how easy it will be to work from home, where I set my own hours. There are bound to be many distractions. I think it might actually end up being easier working in an office," she admits.



## REUNION

# Classes Without Quizzes

## Panelists Say Fairness and Competence At Issue in Hussein Trial

**WILL SADAAM HUSSEIN'S TRIAL** be viewed as independent and fair throughout the world?

Kim Scheppele, the John J. O'Brien Professor of Comparative Law, has her doubts. She said a major concern is that the United States, which will provide 50 advisors to the Iraqi tribunal, will be seen as "pulling the strings behind the scenes."

"U.S. involvement will raise questions about the impartiality of the tribunal," added Scheppele, who made her observations during a reunion-weekend panel discussion on Hussein's trial. The annual "Classes Without Quizzes" also featured Evan Kohlmann L'04, an international terrorism consultant; Jonathan Fredman, special counsel for counterterrorism at the Central Intelligence Agency and lecturer in law at Penn; and Paul H. Robinson, a criminal law expert who is the Colin S. Diver Distinguished Professor of Law at Penn Law School.

Kohlmann presented what he considers ample justification to convict Hussein. Under his rule, he said:

- Between 50,000 and 100,000 Kurds were killed during a chemical weapons campaign in the late 1980s, as estimated by Human Rights Watch;
- Another 30,000 to 60,000 Kurds and Shiites were slaughtered to quell their rebellion in 1991;
- Chemical weapons were also used during the Iran-Iraq War to kill approximately 5,000 Iranians – a violation of the 1925 Chemical Weapons Treaty signed by Iraq;
- More than a thousand Kuwaiti POWs were murdered during the Gulf War, which also produced environmental crimes such as the destruction of Kuwaiti oil wells.

According to Fredman, the U.S. intelligence community, working with good information-gathering tools, should be able to support the Iraqi tribunal as it has previous tribunals on the former Yugoslavia and the bombing of Pan Am 103.

However, Fredman observed that thousands of documents and statements are held by a host of governments and non-governmental organizations, which may be challenging to integrate. Additionally, he said, the prosecution will need to establish the admissibility of such evidence, and decisions must be made by potential witnesses who may be afraid to testify.

Scheppele noted concerns about Iraqi competence to conduct

such a high-stakes – and well-publicized – trial. "The Iraqis have no training in international criminal law," she said. "Would you want your first war crimes tribunal to be manned by inexperienced staff and judges?" In her view, it is a problem as well that the tribunal could operate with rules of evidence that do not meet basic norms of procedural fairness.

Certainly, the American legal system would hold itself to a much higher standard. Robinson, the Penn Law professor, said the prosecution would have a harder task proving Hussein's guilt if the trial were held in the United States.

Under American law, according to Robinson, the prosecution would have to show beyond a reasonable doubt that Hussein made a conscious effort to direct or aid the crimes. The Miranda rules of search and seizure would also apply, as would as our statute of limitations, which might bar some of these crimes that occurred more than 25 years ago, Robinson said.

But most damaging to the prosecution's case, he emphasized, would be this country's adherence to the rule of law, under which courts cannot prosecute defendants for crimes that were not expressly prohibited when they were committed.

"If this were an American trial, this would be a tough set of calls to make," said Robinson.



Winners of Law Alumni Society Awards enjoy moment with Dean Michael A. Fitts and LAS President Stella Ming Tsai L'88 before ceremony. FRONT ROW, LEFT TO RIGHT: Alan Beller, L'76, Alumni Award of Merit; Pamela F. Craven CW'74, L'77, Alumni Award of Merit; Cathryn A. Miller-Wilson L'93, Young Alumni Award. BACK ROW, LEFT TO RIGHT: Pamela Daley L'79, Alumni Award of Merit; Fitts; Mark G. Yudof C'65, L'68, James Wilson Award; Robert C. Sheehan L'69, Alumni Award of Merit; Paul Levy L'72, Distinguished Service Award; and Tsai.





## NEWS FROM THE LAW SCHOOL'S BOARD OF OVERSEERS

### Ibargüen Named to Board of Overseers

**A NEWSPAPER EXECUTIVE** since 1984, Alberto Ibargüen '74 is best known for his tenure as publisher of both the *Miami Herald* and *El Nuevo Herald*. *The Miami Herald* has won three Pulitzer Prizes since Ibargüen was named publisher in 1998. *El Nuevo Herald*, a separate newspaper that serves Spanish language readers in South Florida, won the 2002 Ortega y Gasset Prize (Madrid) for best newspaper in the Spanish language.

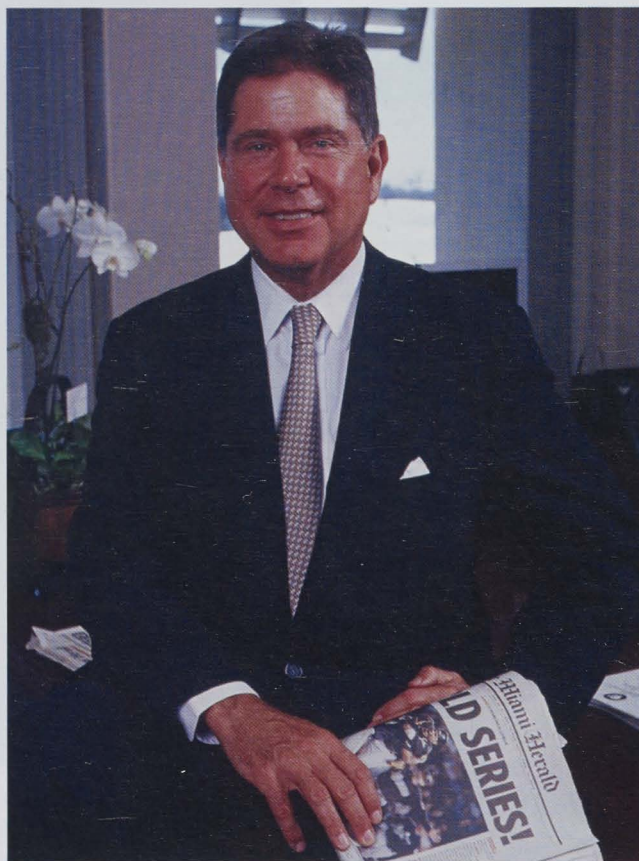
Both papers are influential in the region and actively cover Latin America and the Caribbean. Recently, Columbia University announced that Ibargüen will receive a Maria Moors Cabot special citation for leading the Inter-American Press Association's campaign to bring to justice those who murder journalists and use intimidation to silence media in Latin America.

After graduating from Wesleyan University in 1966, Ibargüen spent five years as a Peace Corps Volunteer in Venezuela's Amazon Territory and in Colombia as a Programming and Training Officer. Upon return-

ing to the United States and earning his J.D. from Penn in 1974, he founded the Puerto Rican Center for Justice as an offshoot of the Hartford Legal Aid Society. He subsequently served as the first director and general counsel of the Connecticut Elections Commission and later went into private practice, from which he subsequently became deputy general counsel of Connecticut National Bank. Before joining the *Miami Herald* in 1998,

Ibargüen was an executive at both *The Hartford Courant* and *Newsday* in New York.

In 2003, he was elected Chairman of the Board of the Public Broadcasting System (PBS), after serving on the board for five years. Ibargüen is a member of the Council on Foreign Relations and of the Board of Overseers of the Journalism School at Columbia University. In addition, Ibargüen is a former member of the boards of Wesleyan University, Smith College, and the Connecticut Board of Governors for Higher Education, as well as past chairman of the Florida Philharmonic Orchestra.







## FACULTY NEWS AND PUBLICATIONS

**INCREASINGLY**, when the media wants the definitive word or an informed opinion on an issue, they turn to the Penn Law faculty. And it's easy to see why. Our professors are nationally recognized experts on constitutional law, election law, commercial law, international law – you name it. The media took full advantage of this expertise this year. From January through June, faculty members appeared in print or on broadcasts approximately 700 times. And so, with this issue, we inaugurate a new feature: **FACULTY NEWS FLASH**, in which we tally and report media “hits.” This feature will run in every issue.

### The Wide World of Media Coverage

#### Penn Law Faculty Find Place in Reporters' Rolodex<sup>®</sup>

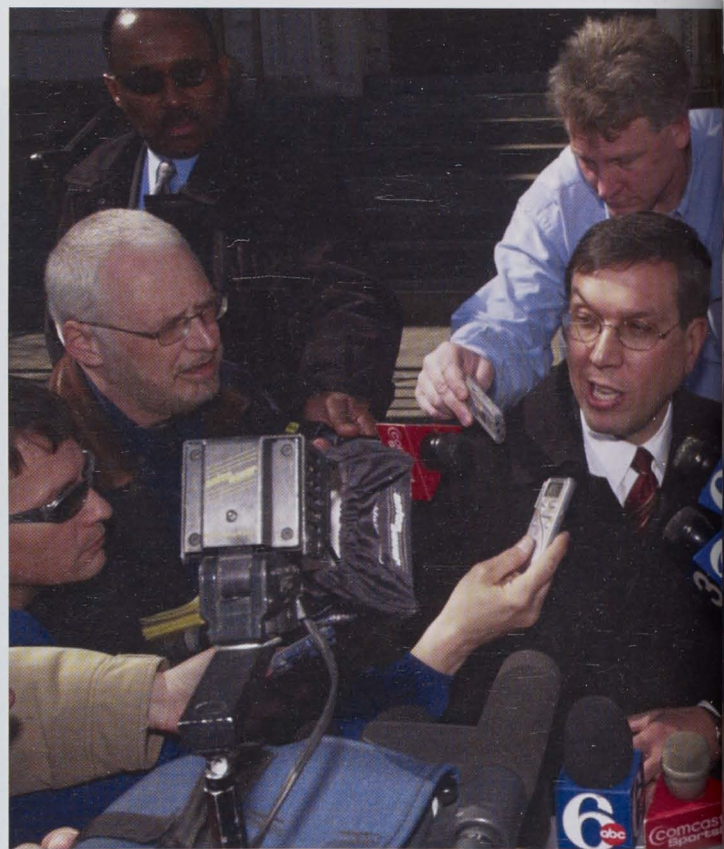
**FOR SEVERAL DAYS** last March, Penn Law School became the epicenter of the sports world, as a media frenzy engulfed Stephen Burbank.

Burbank, the NFL's special master, had sat on the sidelines for sixteen months, without any player disputes to settle. He had plenty of time to study the league's collective bargaining agreement, which is even more complex than the typical offensive playbook.

But his inactivity ended when he was asked to rule on whether Terrell Owens had the right to opt out of his contract with the San Francisco 49ers and become a free agent. Overnight, Burbank went from relative anonymity to celebrity. As Burbank set a tight deadline for a ruling, sports reporters deluged him with interview requests; *The Boston Globe* and *Baltimore Sun* profiled him; fans crammed his inbox with emails.

And Burbank found himself in an unaccustomed position which, frankly, irked him. “Any distraction from making the best decision within the very limited amount of time available was not a welcome distraction,” says Burbank, who, it turns out, did not have to render a decision. The league and players association resolved the issue on their own.

Burbank, David Berger Professor for the Administration of Justice, is not the only Penn Law faculty member to draw media



AP/Wide World Photos  
Jeffrey Kessler, a lawyer for the NFL player's union, answers questions from reporters outside Penn Law School, where Penn Law professor Stephen Burbank, the league's Special Master, heard arguments in a hearing on Terrell Owens' free-agency dispute.



attention. Several others periodically place op-ed pieces in major newspapers, appear on television, or provide quotes for articles. Among the most visible are Nathaniel Persily and David Skeel, both of whom are called on regularly to provide perspective in their areas of expertise.

Skeel, the S. Samuel Arsht Professor of Corporate Law, credits his good timing for his media presence. His first book – *Debts Dominion: A History of Bankruptcy Law in America* – was published a month before the Enron scandal broke in 2001. When Enron filed for bankruptcy, the media sought his commentary. One day he got a call from Nightline and, after appearing on the program, he was in even greater demand. “There was a point in the summer of 2002 when I was getting a dozen calls a day,” says Skeel, adding that he is thankful that the pace of inquiries has slowed considerably since then.

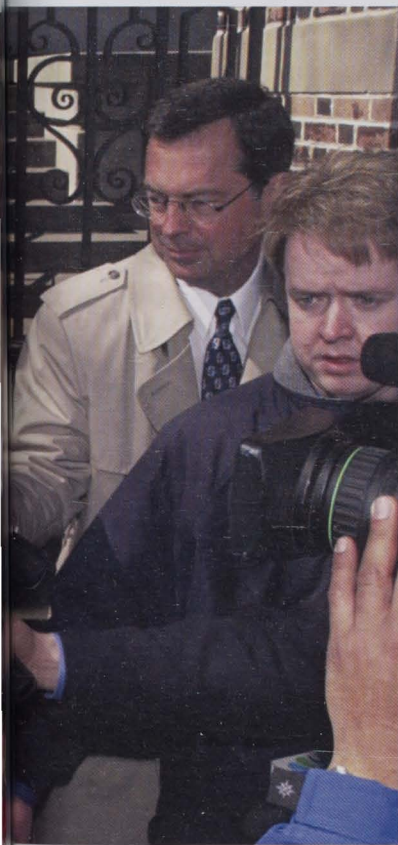
The media spotlight also shines on Persily quite often. An election law expert, Persily, assistant professor of law, was a commentator for MSNBC on the California recall of Gov. Gray Davis, and has been quoted on the enemy combatant and pledge of allegiance cases before the Supreme Court.

He views his media work as an extension of his job as an academic. “I think it is valuable to participate in the debates that matter to the country,” he says. “For me, part of being a law professor is to try to engage public opinion and not to limit my teaching to the classroom.”

Both Skeel and Persily could grace the news pages in the coming weeks. Skeel has a new book – *Icarus in the Boardroom: The Fundamental*

*Flaws in Corporate America And Where They Came From* – ready for publication, while Persily is poised to comment if voting irregularities occur in the presidential election.

Meanwhile, Burbank, to his relief, can return to the quieter pursuits of teaching and writing. Of his brief fling in the media spotlight, Burbank says: “I didn’t find it terribly enjoyable.”



**PRINT**

**KIM LANE SCHELPELE** *The Nation*, July 5, cited in editorial on the Abu Ghraib prison scandal in Iraq

**NATHANIEL PERSILY** *The Wall Street Journal*, June 23, commented on Ralph Nader’s bid to get on state ballots

**PAUL ROBINSON** *The Philadelphia Inquirer*, May 11, quoted on Patriot Act

**DAVID SKEEL** *Forbes.com*, May 10, quoted on Citigroup’s settlement in the WorldCom case

**GEOFFREY HAZARD** *The New York Times*, April 17, commented on Weil, Gotshal & Manges’ withdrawal from the New York City civil suit against the gun industry

**R. POLK WAGNER** *Inc.*, March, addressed Federal Trade Commission’s move to overhaul patents

**KERMIT ROOSEVELT** *The Philadelphia Inquirer*, February 22, explained the relationship of same-sex marriage laws between and the federal government in an op-ed

**GEOFFREY HAZARD** *BusinessWeek*, February 2, responded to question about ethics of law school professors consulting and serving as expert witnesses

**AMY WAX** *The Wall Street Journal*, January 23, co-authored commentary on black academic underachievement

**BROADCAST**

**DAVID SKEEL** CBS Evening News, July 12, commented on Archdiocese of Portland’s pending bankruptcy

**DAVID RUDOVSKY** National Public Radio’s Marketplace, July 12, talked about Morgan Stanley’s sex discrimination settlement

**NATHANIEL PERSILY** CBS News, May 17, discussed anticipated legal challenges to Massachusetts court ruling on same-sex marriage

**SARAH BARRINGER GORDON** All Things Considered, National Public Radio, March 15, compared issues that arose over polygamy in territorial Utah to current debate on same-sex marriage

**ANITA ALLEN** CNBC, February 15, discussed indecency in the media and corporate responsibility issues raised by the Comcast/Disney merger controversies



## FACULTY NEWS AND PUBLICATIONS

Q+A

### PERSILY WEIGHS IN ON PROSPECT FOR ELECTION ABUSES IN 2004

**IN 2000, VOTING IRREGULARITIES** turned a cliffhanger presidential election into a certifiable disaster and near constitutional crisis. Butterfly ballots. Hanging chads. Contentious recounts. Controversial court decisions. The drama played out for months on television, gripping viewers in a high-stakes reality show that would determine the country's next leader.

As the 2004 election approaches there is understandable concern about a repeat performance. Will voters be disenfranchised again? Or will the problems be corrected? We asked Nathaniel Persily, assistant professor of law, for his opinion.

Persily is a political scientist and experienced election-watcher who helped redraw legislative districts in New York, Maryland and Georgia, and was retained by the California State Senate as an expert witness in their redistricting litigation. This past March in Georgia, for example, a federal court called upon him to draw 180 districts for the Georgia House of Representatives and 56 districts for the Georgia Senate – all within ten days.

**Q:** What made the 2000 presidential election so different from, say, the 1960 Nixon-Kennedy contest that was decided by a razor-thin margin, amid accusations of suspect vote counting in Chicago?

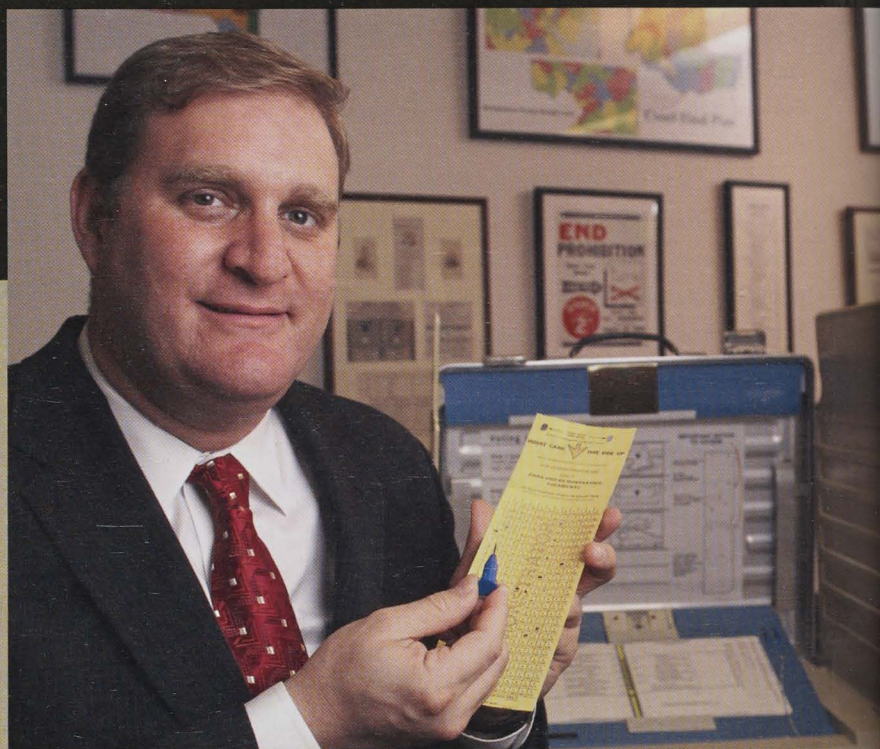
**A:** There's no such thing as a perfect election. There are always going to be votes that are not counted, ballot boxes that go missing, accidents that happen either because of mistakes by voters or election administrators. We have a history of election fraud and problems in this country, but never in an election so close has the technology clearly affected the outcome.

**Q:** What is being done to avoid another debacle?

**A:** Many jurisdictions have eliminated punch card ballots, and so we should not have the same problems with dangling and hanging chads that we had before. But with each new technology comes new challenges. In the first election after Florida got rid of the punch card ballots, many election administrators failed to plug in the laptops (which power ATM-style machines), and they conked out midway through election day. Plus, there are worries about hackers "breaking into" into the electronic voting machines.

**Q:** So, what is the likelihood that problems will occur again in Florida?

**A:** Florida has invested a lot of money in reforming its election administration, so I would expect that they might be better off than some other states. The election supervision in Florida, which will even have some international organizations observing the election, is going to be unlike anything we've ever seen. That said, I'm convinced that there will be



Assistant Professor of Law Nathaniel Persily holds the punch card ballot that caused such controversy in Florida during 2000 presidential election.

significant problems in some states this time around. The question is whether the problems will occur in the states that matter.

**Q:** Is it feasible to adopt a national standard for election administration?

**A:** Part of the problem with American election law is that states have the constitutional obligation to determine the time, place and manner of elections. And one thing we learned in Florida is that not only do we give an incredible amount of autonomy to states, but then the states give an incredible amount of autonomy to the counties and to other local governments. And so, there is often dramatic variation within a state and even greater variation between states as to how they administer elections.

Congress passed the Help America Vote Act (in 2002), which is an attempt to harmonize election administration and technology among the states. But they have only recently appropriated some of the funding, and most states feel that they don't have enough time to get it done for the 2004 election. So, if one candidate or the other wins by a huge margin, this will be seen as a very smooth running election. (Over forty thousand ballots were not counted in California's gubernatorial recall election, but no one cared because it wasn't a close election.) If it is a very close election, we may have the same kinds of problems that we had in Florida in 2000.

**Q:** Do you expect a bigger turnout of voters who want to make sure their voice is heard this time?

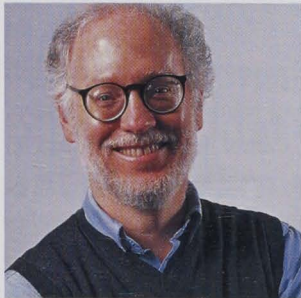
**A:** We like to think that close elections, anger and alienation affect voter turnout, but they really don't. For the most part voter participation is determined by a person's socioeconomic status and if he or she has lived in the same place for a long time.



## Kenneth W. Gemmill Professor Of Law

### Public Service Still Engages Kreimer

**IN ACADEMIC TERMS**, Seth Kreimer traded up this year. He stepped down as associate dean but he assumed a new title - the



Kenneth W. Gemmill Professor of Law.

The professorship rewards Kreimer for his twenty-three years of service to Penn Law, the only Law School for which he has ever worked. The appointment means a lot to him because he succeeds

one of his academic heroes: Robert Gorman.

A role model to countless faculty members, Gorman was a seminal figure at Penn Law for more than three decades. He was a pioneering scholar in copyright and labor law, and was president of the American Association of University Professors, and of the Association of American Law Schools, as well as a member of the American Law Institute. Given Gorman's stature, it's easy to understand why Kreimer appreciates the opportunity to hold the same position.

"I have looked up to him for my entire academic career," says Kreimer, who, when appointed, sent a note to Gorman expressing how grateful he was to stand in his company.

Kreimer, meanwhile, is blazing a trail of his own. He has built a reputation as a constitutional scholar and defender of civil liberties who explores the effect of emerging technology and social trends on legal doctrine. He has written on issues ranging from abortion and assisted suicide to gay marriage to the impact of the internet on social protest, and has represented civil liberties clients at all levels of litigation. His scholarly work has anticipated issues and challenged legal orthodoxy, as when he and Penn Law colleague David Rudovsky pioneered a constitutional right to access to DNA samples to overturn a rape conviction, and then wrote about the implications of the court's decision.

Kreimer was instrumental in the successful litigation by the Women's Law Project to establish second parent adoption as an option in Pennsylvania in 2002. In 2003, Kreimer teamed with Sharon Dietrich L'85, a former student who is now a manag-

ing attorney with Community Legal Services in Philadelphia, to score a satisfying legal victory. Together they persuaded the Pennsylvania Supreme Court to strike a Pennsylvania law that imposed a lifetime ban prohibiting people who had ever been convicted of drug offenses from working in the nursing home industry. His work on that case was recognized with the Community Legal Services Equal Justice Award last April.

"At its best, my job allows me to both move the world toward justice and then to take the issues I identify to the academic forum for fruitful analysis," says Kreimer.

Kreimer traces his interest in public service to his youth in Pittsburgh. In high school Kreimer did his fair share of political organizing. But as the Vietnam War dragged on, he became disillusioned with electoral politics. Then one day he had a galvanizing moment. He heard Ralph Nader talk about the rewards of a career as a public interest lawyer. Newly energized, Kreimer went to work as a paralegal for Neighborhood Legal Services in Pittsburgh, a job he continued to hold during his summers in college.

**"At its best, my job allows me to both move the world toward justice and then to take the issues I identify to the academic forum for fruitful analysis," says Kreimer.**

Convinced he would practice public service law, Kreimer went to Yale Law School in the early 1970s, where legal theory captured his interest. After clerking for Judge Arlin M. Adams of the Third Circuit U.S. Court of Appeals, Kreimer joined Fine, Kaplan & Black in Philadelphia, where he handled plaintiffs' anti-trust and securities class actions, while doing pro bono work on the side.

"I discovered that I missed the intellectual excitement that I had found in law school, so ultimately I decided that I would try to enter the academy and continue to do the pro bono work," says Kreimer.

Which is exactly the course Kreimer continues to pursue as a teacher, scholar and activist. "The opportunity to make a difference in the world ... is what makes this profession worthwhile."

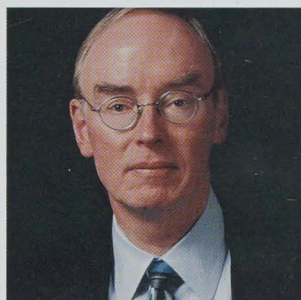


## FACULTY NEWS AND PUBLICATIONS

### Leon Meltzer Professor of Law and Professor of History

#### An Historic Moment for Bruce H. Mann

**BRUCE H. MANN** is a noted legal historian who takes special interest in the Early American era. But it is a piece of personal history that gives him great pleasure as he begins a new academic year.



After 17 years at Penn Law, Mann has been appointed the Leon Meltzer Professor of Law and Professor of History.

“It pleases me enormously to be the third holder of a chair that was previously held by two people (A. Leo Levin and Michael Moore) I’m both very fond of and respect.”

Mann began his academic career at the University of Connecticut. Prior to Penn, he taught at Washington University in St. Louis. In his years at Penn, Mann has won three teaching

**“As far as I’m concerned, being a law professor at a place like Penn is one of the greatest jobs in the world.”**

awards and developed unrivaled expertise in the study of bankruptcy in colonial America. His latest book, *Republic of Debtors: Bankruptcy in the Age of American Independence*, snared three awards: the J. Willard Hurst Prize from the Law & Society Association; the Littleton-Griswold Prize from the American Historical Association; and the SHEAR Book Prize from the Society for Historians of the Early American Republic.

As long as he can remember, history has fascinated Mann, who grew up in Boston where landmarks are as much a part of the landscape as they are in Philadelphia. Studying the past, he says, illuminates the present.

Exploring debt, for instance, reveals that people had been

borrowing and spending money and extending credit long before the modern economy took shape. Says Mann: “It’s inescapable, because you can’t have commerce without debt. You can’t have transactions without debt.”

What has changed, Mann relates, is the view of debt. The increase in bankruptcy filings leads some to say that it has become a form of financial planning and in the process lost its stigma, but Mann disagrees. “Every empirical study done today rebuts that,” Mann states. “People who want to gut the bankruptcy system and restore the stigma don’t realize that it has never lost its stigma.”

As an Early American historian, Mann finds Penn Law, with its Philadelphia location, tradition of legal history scholarship, and proximity to Penn’s McNeil Center for Early American Studies, the best place in the country to do his work.

Another attraction are the students. Mann, who teaches Property, Trusts & Estates, and American Legal History, also holds a secondary appointment in Penn’s History Department. He says Penn Law students, unlike those at some law schools, genuinely like it here and are a pleasure to teach.

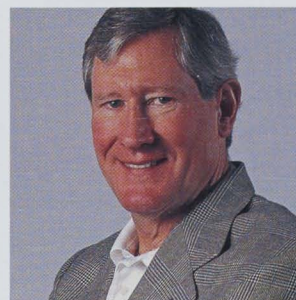
“Teaching is just enormous fun,” Mann says. “You get to shape people. You can help students become skillful, valuable, contributing members of society ... As far as I’m concerned, being a law professor at a place like Penn is one of the greatest jobs in the world.”

With or without a professorship.

“All of us do the teaching and the writing because we love it,” says Mann. “We would do it if there were no chairs.”

### Charles A. Heimbold, Jr. Professor of Law

#### Mooney Reaches Academic Milestone



#### WHO WOULD WALK

away from a spectacular career in corporate law at a big-time law firm with blue-chip clients such as Citibank? Charles W. Mooney, Jr., that’s who.

In 1986, nine months after finding out about an im-



pending opening on the Penn Law faculty, Mooney left the well-heeled corridors of Shearman & Sterling in New York, where he was a partner, and bid farewell to 14 years of private practice. He traded his pinstripes for khakis and entered the academy. And he's never looked back.

Mooney, who recently reached an academic milestone with his appointment as the Charles A. Heimbold, Jr. Professor of Law, calls the move "the best decision I ever made... What appealed to me was the chance to dig into legal issues and get to the bottom of them."

**"We get along and help each other. It's just a very pleasant place. I'm not sure all law schools would be like that, so it's an ideal work environment."**

Eighteen years later, he's still digging. Mooney, an acknowledged expert on commercial and bankruptcy law, is an author of *Security Interests in Personal Property*, a case book that is used at law schools nationwide. These days, he is working on a comprehensive normative theory of bankruptcy. That pursuit has led him to think long and hard about bankruptcy filings and their purpose.

The question he ponders most often is this: Should Chapter 11 reorganizations, in particular, preserve value so as to pay off creditors, or should the process benefit the community and those who lose their jobs at the expense of creditors? Mooney sides with creditors – a position he will explain in an article later this year in the *Washington & Lee Law Review*.

In previous work Mooney unearthed solutions to similarly complex issues. For example, during the late 1980s and early 1990s Mooney's research and publications drove a reassessment of the legal framework governing investment securities held through intermediaries such as stockbrokers. His scholarly work spawned the rewriting of UCC Article 8 and the transformation of rules pertaining to investment securities and to US Treasury regulations for government securities. He also spent the 1990s as a reporter for an American Law Institute study on UCC Article 9 (on secured transactions), and as a reporter for the drafting committee for the revision of Article 9. This work earned him the Distinguished Service Award from the American College of Commercial Finance Lawyers.

Maintaining such single-minded focus over a decade took resolve, especially when Mooney had to spend part of that time – academic year 1999-2000 – as interim dean of the Law School and academic years 1998-2000 as Associate Dean. Mooney ran Penn Law after Dean Colin Diver stepped down. "What I took away from it was a real interest in higher education, because, for the first time, I really had to learn what was going on in the President's office and the Provost's office," says Mooney. "Without that interest being cultivated I don't think I ever would have agreed to be chair-elect of the Faculty Senate." In that position, and subsequently as chair and past chair, he will represent the interests of faculty university-wide for three years.

Throughout, Mooney's service has been driven by his affection for Penn Law. "We just have a very nice group of people," he says. "We get along and help each other. It's just a very pleasant place. I'm not sure all law schools would be like that, so it's an ideal work environment."

## John J. O'Brien Professor of Comparative Law

Restless and Curious,  
Scheppele Plys the World to  
Study New Democracies and  
Their Constitutions

**KIM LANE SCHEPPELE** is a nomad. Her restless energy takes her from place to place in hot pursuit of new ideas. No surprise, then, that Scheppele, a pioneer in comparative law, wants to start a new field of legal scholarship. She calls it constitutional ethnography.

"Usually people who study constitutional law sit around and read books about it," says Scheppele. "Ethnographers, on the other hand, tend to study different forms of culture other than law. What I'm trying to do is bring these two branches together by going off and living in the countries that I study."





## FACULTY NEWS AND PUBLICATIONS

By doing so, Scheppele seems intent on emulating Margaret Mead, as she investigates how laws and constitutions develop in much the way that the famed anthropologist bunked down to study the habits of South Seas islanders.

**“I also feel really lucky that I am at Penn, because I have these wonderful students who are willing to explore new areas and make connections between law and the world around them.”**

Since the 1990s, Scheppele’s intellectual wanderlust has led her to extended stays in Hungary and Russia, where, in both countries, she observed up close what democratic government and a constitution mean to people who have never had either.

She discovered that fledgling democracies tend to channel citizen participation in different ways than the United States does. The Russian courts, for instance, receive more than 15,000 handwritten complaints a year from ordinary citizens – without intervention from lawyers. And a similar pattern occurred in Hungary during the first decade of its transition to a constitutional government.

Scheppele’s fascination with legal systems in other countries explains why Penn Law recently anointed her the John J. O’Brien Professor of Comparative Law. It is a position she is thrilled to have, particularly because she believes comparative law “ought to have more visibility in the legal academy.”

Originally, Scheppele planned on a career in journalism (she even had a job lined up with NBC News). Instead she went to graduate school to pursue a life in academia, where she felt she could delve deeper into the issues that interested her. As an academic, Scheppele has been committed to interdisciplinary work. She taught sociology at Bucknell and political science at the University of Michigan before joining Penn Law’s faculty in 1996. (She also holds an appointment in Penn’s sociology department.) Here she has found a home.

“It’s the greatest job in the world. The best part is the intellectual freedom,” enthuses Scheppele. “Things happen in the world and you can study them as they happen ... I also feel really lucky that I am at Penn, because I have these wonderful students who

are willing to explore new areas and make connections between law and the world around them.”

Scheppele’s explorations will take her next to the Center for Law & Public Affairs at Princeton University, where she will be a Fellow during the 2004-2005 academic year. In addition, she’s working on a book, culled from her field work, on constitutional development in post-socialist countries. And there’s no end to the new projects she wants to pursue.

One new project involves the global war on terrorism and the way in which it is being fought as a “state of emergency” in many countries around the world at once. Another potential area of inquiry involves the European Court of Human Rights in Strasbourg, France. The Court hears cases from 45 countries. Scheppele is interested in the political culture the transnational court is spawning across borders. She also wants to plumb how regular people in the United States perceive the Constitution. To do that, she plans to put on her ethnography hat and visit with Revolutionary and Civil War reenactors, many of whom consider themselves Constitution buffs.

## S. Samuel Arsht Professor of Corporate Law

Skeel, a Man of Letters,  
Writes New Chapter in Career

**IT WAS A RED-AND-BLUE-LETTER DAY** for David Skeel when he was appointed the first S. Samuel Arsht Professor of Corporate



Law, named after the father of Delaware corporate law.

“Getting a chair is a major milestone,” says Skeel, who is entering his sixth year at Penn Law. “I would have been thrilled with any chair but I was particularly thrilled with this one.”

The incorporation, so to speak, makes sense on many levels. Skeel’s uncle was an attorney at Arsht’s Delaware law firm – Morris Nichols Arsht & Tunnell; he clerked for Third Circuit Senior Judge Walter Stapleton, an Arsht protégé; Skeel’s parents grew up in Wilmington; and, finally, most important, Skeel is a



scholar in corporate law and bankruptcy, which he teaches.

An English major at the University of North Carolina, Skeel combines storytelling and doctrine in his work. His upcoming book draws on Greek mythology for its title. *The Icarus Effect: The Fundamental Flaws in Corporate America and Where They Came From* (Oxford University Press), due this fall, looks at recent corporate scandals through the prism of past malfeasance and the regulations that necessarily followed. Similarly, one of the cases he uses in his bankruptcy class contains lines from T.S. Eliot's epic poem, "The Wasteland." Skeel, himself a published

**"Getting a chair is a major milestone. I would have been thrilled with any chair. But I was particularly thrilled with this one."**

poet, says he's always seen a link between law and literature.

"When I went to law school I thought that law was one of the liberal arts. It didn't seem obvious to me that law was different from letters ... Everything we do is story," Skeel says. "Trials are a form of narrative. Briefs are a form of narrative. Lawyers talk, and most lawyers talk well."

To be sure, talking and connecting to students suits Skeel, whose booming voice and friendly personality resonate in the classroom. Skeel practiced law for two years. Working for a law firm, Skeel was torn between his interest in writing and the demands of practice. That's when he began to seriously consider a career in academia, which has taken him over the last 14 years from Temple University to Penn Law.

"Once I started teaching I fell in love with it," says Skeel. "There's just a real electricity about the classroom environment ... I draw a lot of energy from the students that I teach. It's just exciting to exchange ideas with really bright students."

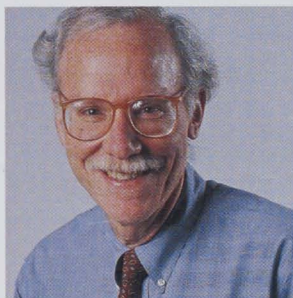
And students, it seems clear, appreciate Skeel, who, before the summer, nominated him for one of the eight university-wide Lindback Awards for Distinguished Teaching. (Skeel has also twice won the Harvey Levin Memorial Award, presented by the graduating class to their favorite teacher.)

"I love teaching here. I love our students, so receiving an award that is connected (to the university) makes it all the more rewarding," says Skeel, who now enters a new phase of his career as holder of a coveted professorship.

## Harvey Levin Award Winner

### Rudovsky Finds Teaching and Practicing Works for Him

**DAVID RUDOVSKY TEACHES** part-time but with full-time commitment. That is why, at graduation, he received the Harvey



Levin Award from the Class of 2004. "It is an award that I really do cherish because it's from the students," says Rudovsky.

Being named the best teacher is all the more remarkable given that Rudovsky spends half of his

worklife teaching and half running a private practice – and neither suffers. How does he manage to do double duty?

Basically, he relies on the mercy of the court. A partner in the public service law firm of Kairys, Rudovsky, Epstein & Messing, Rudovsky says judges usually accommodate him by scheduling trials (at least those involving civil cases) when he is not teaching, though sometimes he has had to rush from Law School to court.

Rudovsky has maintained this professional split personality for 17 years. The faculty's only Senior Fellow, Rudovsky taught trial advocacy as an instructor for a number of years. However, he wanted to do more teaching, so he approached the administration and worked out an arrangement, in 1988, in which he teaches one course – either evidence, criminal procedure or criminal law – per semester.

"I wouldn't be able to teach the courses the way that I teach them without having had a long history of practice," says Rudovsky, who draws on his ample case log to impart real-world issues to his students.

His high-profile work has ranged from efforts to reform the Philadelphia prison system to taking on police misconduct, the latter action leading the Philadelphia police department to adopt new rules on the use of force and on racial bias. Often, Rudovsky's advocacy informs his scholarship, as when he handled one of the early cases which used DNA evidence to free a Pennsylvania man who had been incarcerated for 15 years on rape convictions. The case, he says, raised a number of interesting issues about the constitutional right to conduct DNA testing



## FACULTY NEWS AND PUBLICATIONS

post-conviction. He examined those issues with Seth Kreimer, Associate Dean and Kenneth W. Gemmill Professor of Law, in the *University of Pennsylvania Law Review*. (Kreimer also assisted on the litigation.)

He is also author of four books on criminal procedure and civil liberties and has argued two civil liberties cases before the U.S. Supreme Court – one involving government wiretapping, the other involving the issue of municipal liability for failure to properly train police officers.

And he has received several honors, among them a MacArthur Foundation Fellowship and Award (the so-called “genius award”) for his civil rights and criminal justice work and the ACLU Civil Liberties Award.

Add to those citations his fourth teaching award (he’s won the Harvey Levin Award twice before and the university-wide Lindback Award), and it’s clear that Rudovsky’s dual role as teacher-practitioner agrees with him.

### Feldman Goes to Japan on Fulbright

**ASSISTANT PROFESSOR OF LAW** Eric Feldman was the recipient of a 2004 Fulbright Scholarship, and will be a guest of



Waseda University’s Graduate School of Law in Tokyo. Through an examination of the cascade of tobacco-related laws that have been enacted in Japan since 2000, Feldman will analyze the relationship between law, culture, and social change,

paying particular attention to the possible influence of international norms on Japan’s domestic legal regime.

The Fulbright Scholarship is the U.S. government’s flagship program in international educational exchange. The program, which sends 800 scholars and professionals to more than 140 countries every year, is sponsored by the U.S. State Department.

Feldman, an expert on Japanese law, has written extensively about issues of comparative law and society. He has been a visiting professor at the Institut D’Etudes Politiques in Paris and a visiting scholar at Waseda University’s Graduate School of Law.



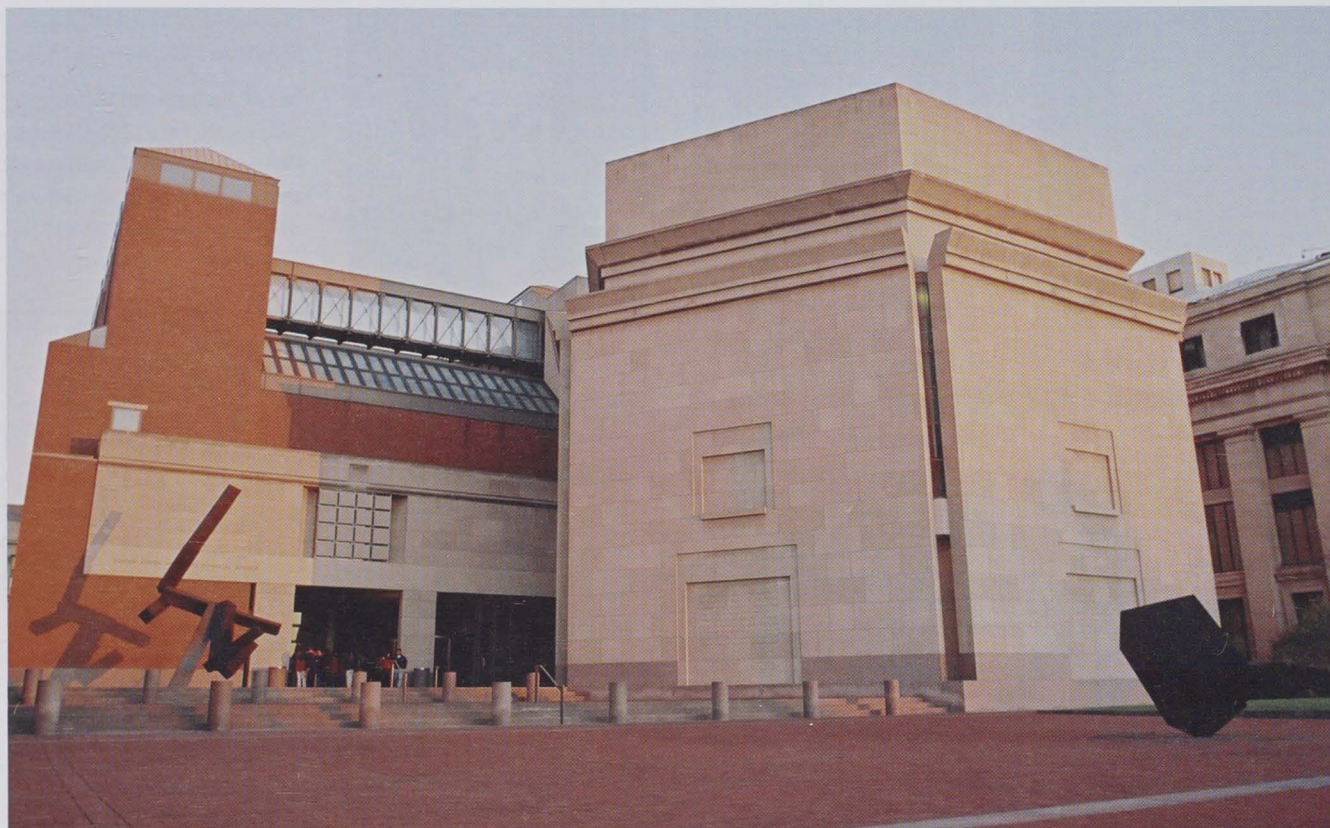
Paul H. Robinson (left), the new Colin S. Diver Distinguished Professor of Law, meets with former Penn Law Dean Colin S. Diver before an event celebrating his appointment.

### Dean Diver Returns to Honor New Holder of His Chair

**COLIN S. DIVER**, the eponymous dean of the Diver Decade, returned to Penn Law for a ceremony honoring the new holder of a professorship established in his name. Paul H. Robinson, the Colin S. Diver Distinguished Professor of Law, came to Penn Law from Northwestern University School of Law in spring 2003. Robinson, a former professor at Rutgers University, said his appointment at Penn Law felt like a homecoming. In praising the Law School, he said, “I don’t think I’ve ever been at an institution where the administration has been so supportive.” Diver said he is glad that Robinson, a nationally recognized scholar in criminal law, chose to teach at Penn Law, and is proud to have his name attached to someone of Robinson’s caliber.



FACULTY NEWS  
AND PUBLICATIONS



U.S. Holocaust Memorial Museum

Courtesy of USHMM

## Reicher Named to Holocaust Memorial Council

**PRESIDENT BUSH HAS NAMED** Harry Reicher to the United States Holocaust Memorial Council, the governing body

of the United States Holocaust Memorial Museum. Created by an act of Congress, the Museum is America's national institution for Holocaust education and remembrance. Reicher will complete the remainder of a five-year term that expires in January 2008.



Reicher, an adjunct professor at Penn Law, pioneered the academic field of Holocaust Law. In his work, which revolves around his course, *Law and the Holocaust*, Reicher synthesizes comparative law, jurisprudence, conflicts of law and international law to examine the Nazi philosophy of law and how it

was used to pervert Germany's legal system, in order to eliminate groups of people. He also studies the role of international law in bringing Nazi war criminals to justice.

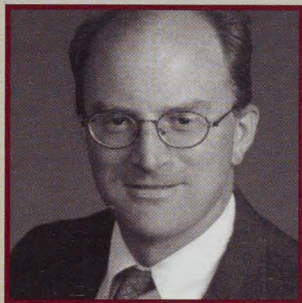
His appointment, Reicher said, is "remarkable recognition" of the novel and significant work being done in Holocaust Law at the Law School, and called it a "team effort."

As a barrister in Australia and England, Reicher has prepared and argued landmark human rights cases before a range of courts and tribunals, including the High Court of Australia. As director of international affairs and representative to the United Nations of Agudath Israel World Organization from 1995 to 2004, he also worked on issues concerning Holocaust-era restitution, reparations and compensation. He was a principal co-author of a major brief on the Swiss Bank settlement case.

In addition, he has taught a number of international law and taxation courses at law schools in the United States and Australia, and is the editor of *Australian International Law: Cases and Materials*, the first indigenous Australian casebook on international law.



## FACULTY NEWS AND PUBLICATIONS



### MATTHEW ADLER

PROFESSOR OF LAW

During the spring of 2004, Adler presented his paper, "Against 'Individual Risk': A Sympathetic Critique of Risk Assessment," to the Columbia Law School Legal Theory Workshop, the Cornell Law School faculty workshop, the University of Michigan Law School faculty workshop and the ad hoc workshop at Penn Law. In May, he chaired a session at the symposium on conceptual constitutional scholarship at the University of Texas Law School.

#### PUBLICATIONS

"Cost-Benefit Analysis, Static Efficiency, and the Goals of Environmental Law," 31 *Boston College Environmental Affairs Law Review* 591 (2004); (symposium, Economic Dynamics of Environmental Law)

### ANITA L. ALLEN

HENRY R. SILVERMAN  
PROFESSOR OF LAW

A Chinese language edition of Allen's textbook (with Richard Turkington) "Privacy Law: Cases and Mate-



rials" was published in the People's Republic of China in February. Allen spoke at the Association for Practical and Professional Ethics in Cincinnati on February 27, 2004, at an author-meets-critic symposium on her 2003 book, "Why Privacy Isn't Everything." In April, she presented a paper on medical privacy at the American Philosophical Society in Philadelphia and a paper on racial privacy at Princeton University, where she has been a Law and Public Affairs Fellow in 2003-2004. Allen gave the opening address at the June 2004 Practicing Law Institute on Privacy in New York City.

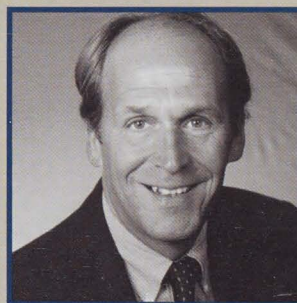
#### PUBLICATIONS

"The New Ethics: A Tour of the 21st Century Landscape," New York: Miramax Books (September 2004)

### STEPHEN B. BURBANK

DAVID BERGER PROFES-  
SOR FOR THE ADMINIS-  
TRATION OF JUSTICE

In February 2004, Burbank made a presentation at



the Rebellious Lawyering Conference, held at Yale Law School, on the lawsuit brought by a number of Penn Law faculty members and students challenging the Solomon Amendment. In March, he heard his first dispute as Special Master of the National Football League, a matter involving Terrell Owens that was settled before judgment. In April, Burbank gave the annual banquet address, titled "Separation of Powers and Mutual Respect," to the University of Pennsylvania chapter of the American Inns of Court. That same month, Burbank commented on papers about settlement class actions at the tenth annual conference of the Institute of Law and Economic Policy. In addition, this past June he appeared on a cable TV show to discuss federal legislation threatening the judiciary. The show was aired in June.

#### PUBLICATIONS

"Keeping Our Ambition Under Control: The Limits of Data and Inference in Searching for the Causes of Vanishing Trials in

Federal Court," 2 *J. EMP. LEG. STUD.* (forthcoming in 2004)

"Vanishing Trials and Summary Judgment in Federal Civil Cases: Drifting Towards Bethlehem or Gomorrah?," 2 *J. EMP. LEG. STUD.* (forthcoming 2004)



### HOWARD CHANG

PROFESSOR OF LAW

Chang spoke on "Trade and the Environment" as a panelist at the Association of American Law Schools' (AALS) Conference on Environmental Law in Portland, Oregon, and as an invited speaker at Renmin University School of Law in Beijing, China, both in June 2004. He also spoke as a panelist at a roundtable discussion on "Globalization" at Shanghai University in Shanghai, China, in July 2004. Chang was elected to the Board of Directors of the American Law and Economics Association (ALEA) at the ALEA's annual meeting in May 2004 in Chicago.

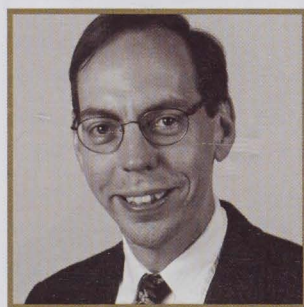
#### PUBLICATIONS

"Risk Regulation, Endogenous Public Concerns, and the Hormones Dispute: Nothing to Fear



but Fear Itself?," 77 *Southern California Law Review* 743 (2004)

"Liberal Ideals and Political Feasibility: Guest-Worker Programs as Second-Best Policies," 27 *North Carolina Journal of International Law and Commercial Regulation* 465, reprinted in 23 *Immigration and Nationality Law Review* 339 (Gabriel J. Chin ed., 2003)



**JACQUES DeLISLE**  
PROFESSOR OF LAW

DeLisle presented a talk at the Shanghai Institute for International Studies on "China and International Institutions: The Middle Kingdom in a Post (?) - Westphalian World" at a Conference on Globalization and its Implications for International Economics and Security. He testified on property rights reform in China at the U.S. Congressional-Executive Commission on China Roundtable in Washington, and also addressed the United States-China Economic Security Review on "Taiwan's Referendum and the PRC's Reaction: Sovereignty, International Law and the Status Quo". At the Asian Law Institute Conference in

Singapore, deLisle presented, "The Law and Politics of Taiwan's Contested International Status, and Costs to Taiwan, China and the International System." He spoke on "Property Rights in China: Constitutional and Legal Reform, Economic Imperatives and Political Concerns" at the Carnegie Endowment for International Peace Conference on Political Reform in China, held in Washington D.C. DeLisle presented, "Reforming / Replacing the ROC Constitution: Implications for Taiwan's State(-like) Status and U.S.-China-Taiwan Relations" at the Woodrow Wilson Center Conference on Implications of Taiwan's Constitutional Reform and at a briefing for congressional staff. In addition, he spoke on "SARS and the Response to SARS in China" at Temple Law School's International Law Institute Conference on SARS, on Taiwan's Presidential Election at the Foreign Policy Research Institute Symposium in Philadelphia, and on "TRIPS and Pharmaceuticals: The WTO, the Power of Markets, and Lessons from the Chinese Experience" at the Journal of International Economic Law Symposium at Penn.

**PUBLICATIONS**

"Atypical Pneumonia and Ambivalent Law and Politics: SARS and

the Response to SARS in China," *Temple Law Review* (forthcoming 2004, conference volume on SARS, Law and Public Health)

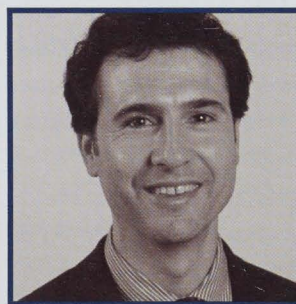
"Democratization and Its Limits in Greater China: Implications for Governance and Foreign Policy," *ORBIS* (2004)

"The Common Law of Causation in Tort and Questions of Policy and Institutions in the Development of Chinese Tort Law," *Legal Matters Journal* (Democracy and the Legal System Press, under the National People's Congress, People's Republic of China) (in Chinese, 2004)

The Aftermath of Taiwan's Presidential Election: A Symposium Report, *Foreign Policy Research Institute*

Democracy and Its Limits in Greater China: A Conference Report, *Foreign Policy Research Institute*

Fifteen Years After Tiananmen: Persistence, Memory and Change in China, *Foreign Policy Research Institute*



**ERIC A. FELDMAN**  
ASSISTANT PROFESSOR OF LAW

Feldman was awarded a Fulbright Scholarship for 2004-2005. He will be a guest of Waseda University Graduate School of

Law while he undertakes research in Tokyo. He was elected a Trustee of the Law and Society Association in 2003, and in the Spring of 2004, became the faculty advisor for the Society for Law, Bioethics, and Public Policy, which was recently formed by Penn Law students. In December 2003, Feldman gave a talk in Los Angeles to a panel organized by the Asia Society on "Legal and Political Battles over AIDS in Asia." During the same month, he also presented "Conflicts over Smoking and Public Health: Lessons from the Comparative Study of Tobacco Control," at the Annual Grantee Meeting in Park City, Utah. The meeting was sponsored by the Robert Wood Johnson Foundation Substance Abuse Policy Research Program. Feldman gave a talk, "From Manners to Rules: Smoking and the Japanese State," at Harvard in February 2004, and in March, lectured on "Tobacco Litigation in the US: Cultural, Legal, and Theoretical Perspectives," at the Cour de Cassation in France. He was a discussant on a panel called "Health Care and Poverty" during a conference at Dickinson College in April, and a commentator during the Annual Symposium held by the Journal of International Economic Law at Penn Law.



## FACULTY NEWS AND PUBLICATIONS

Feldman also participated in a roundtable discussion on "SARS, Public Health, and Global Governance," at Temple Law in 2004, and presented a working paper on "The International Influence on Japanese Law: the Case of Tobacco," at the Cornell Law School Japanese Legal Studies Conference in May 2004.

### PUBLICATIONS

"Unfiltered: Conflicts over Tobacco Policy and Public Health," Eric A. Feldman and Ronald Bayer, editors, Cambridge, MA: Harvard University Press, 2004.

"Ketsueki Kuraisasu" (translation of "Blood Feuds: AIDS, Blood, and the Politics of Medical Disaster"), Tokyo: Gendai Junbun-Sha Co., Ltd, 2004.

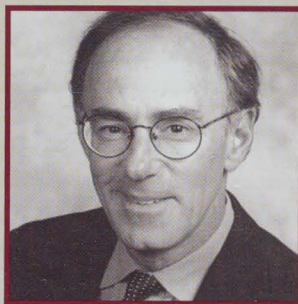
"Legal Reform and Medical Malpractice Litigation in Japan: Justice, Policy, and the Expert Witness System," 76 *Horitsu Jiho* 16, 2004 (in Japanese).

"Kawashima's Legacy: Four Decades of Research on Dispute Resolution in Japan," in Daniel Foote, ed, *Law in Japan: A Turning Point?*, Seattle: University of Washington Press, forthcoming 2004/5.

"Liberal States, Public Health, and the Tobacco Question," in *Unfiltered: Conflicts over Tobacco Policy and Public Health*, Eric A. Feldman and Ronald Bayer, editors, Cambridge, MA: Harvard University Press, 2004.

"Lessons from the Comparative Study of Tobacco Control," in *Unfiltered: Conflicts over Tobacco Policy and Public Health*, Eric A. Feldman and Ronald Bayer, editors, Cambridge, MA: Harvard University Press, 2004.

"Nihon ni Okeru Kenri no Katai: Kenri-Ishiki no Rekishi to Hatten (translation of "The Ritual of Rights in Japan"), Tokyo: Gendai Junbun-Sha Co., Ltd, 2003.



### DOUGLAS FRENKEL

PRACTICE PROFESSOR  
OF LAW AND CLINICAL  
DIRECTOR

Frenkel, together with Columbia Professor Carol Liebman, wrote "Words that Heal," published by the *Annals of Internal Medicine* in March. It comments on a recent study of patient reactions to differing levels of physician disclosure and apology in cases of medical error. In May, he spoke on "Mediation of Health Care Disputes: A Process Whose Time Has Come?" at the graduation ceremony of the Penn Bioethics program.

### GEOFFREY C. HAZARD, JR.

TRUSTEE PROFESSOR  
OF LAW

Hazard received the Gold Medal from the International Insolvency Institute for his outstanding contri-



butions to the field. Hazard initiated and oversaw the American Law Institute's unprecedented *Transnational Insolvency Project*, a study of international insolvency proceedings and reorganizations. In April 2004, he gave the Tabor Lecture at Valparaiso Law School and a lecture to the Faculty of Law at the University of Genoa. In addition, Hazard gave the Mellinkoff lecture at UCLA Law School this past February.



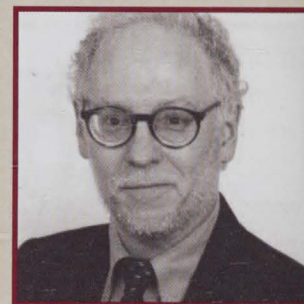
**MICHAEL S. KNOLL**  
ASSOCIATE DEAN AND  
PROFESSOR OF LAW AND  
REAL ESTATE

Knoll, who has been appointed to a two-year term as Associate Dean, was a commentator at the NYU Tax Policy Seminar for Government in February 2004.

### PUBLICATIONS

"Simplifying the Transition to a (Progressive) Consumption Tax (with Engler), 56 *SMU Law Review* 53 (2003)

"The Case for Repealing the Corporate Alternative Minimum Tax" (with Chorvat), 56 *SMU Law Review* 305 (2003)



### SETH KREIMER

KENNETH W. GEMMILL  
PROFESSOR OF LAW

Kreimer was presented with Community Legal Services' Equal Justice Award this spring. He received the award for his work on a successful challenge to a Pennsylvania statute which imposed a lifetime ban that precluded individuals convicted of drug offenses from working in health care facilities, including drug treatment programs. The Pennsylvania Supreme Court declared the statute unconstitutional in *Nixon v. Department of Public Welfare* 839 A.2d 277 (Pa. 2003). In February, he presented a paper titled "Truth Machines and Consequences; The Dark Side of DNA Testing" to a



Symposium at NYU Law School on "The Power and Pitfalls of Technology in the Courtroom," and in April, he participated in Penn Law's Symposium on the 50th Anniversary of Brown v. Board of Education. This past June, Kreimer presented his paper "Watching the Watchers, Surveillance, Transparency and Political Freedom in the War on Terror" to a conference on "Civil Liberties and Terrorism," jointly sponsored by Penn Law and the Army War College. He also spoke to the Pennsylvania Appellate Judges Conference on "The Free Expression Provisions of The Pennsylvania Constitution".

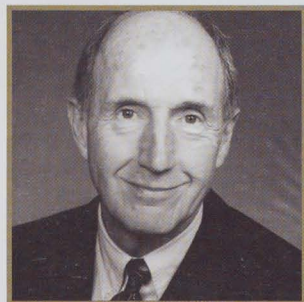
**PUBLICATIONS**

Chapters on: "Pennsylvania's Protection of Freedom of Expression" and "Pennsylvania's Right to Privacy," in *The Pennsylvania Constitution - A Treatise on Rights and Liberties*, (2004)

**FRIEDRICH K. KUBLER**

PROFESSOR OF LAW

In March 2004, Kubler was a speaker at a Frankfurt conference on Financing Public Service Broadcasting. On June 1, he was invited by the American Academy in Berlin to monitor a discussion about stabilizing investor confidence after Enron with William J. McDonough, the chairman



of the Public Company Accounting Oversight Board.

**PUBLICATIONS**

Die politische Ökonomie der Insolvenz; 168 Zeitschrift für das gesamte Handels- und Wirtschaftsrecht 216 (2004); (review article presenting Bruce H. Mann's "Republic of Debtors" and David A. Skeel's "Debt's Domain" to the German legal profession)

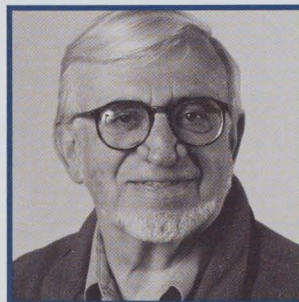
Sicherung der Meinungsvielfalt durch mehr Markt?; Media Perspektiven 2004, 81-88 (article explaining and analyzing the new regime of ownership rules adopted by the FCC) (with Edwin C. Baker)

Europäisches Beihilferecht, Transparenzrichtlinie und Rundfunkgebühr, Festschrift Ulrich Immenga (2004), 231 ff. (article discussing EC law problems of financing public service broadcasting)

**HOWARD LESNICK**

JEFFERSON B. FORDHAM PROFESSOR OF LAW

Lesnick presented a draft of a work-in-progress on the subject, "The Consciousness of Religion and the Consciousness of Law: Implications for Variant Responses to Interreligious Dialogue,"



at a Symposium on Law, Religion and Ethics: The Sacred and the Secular, in St. Paul, Minnesota.



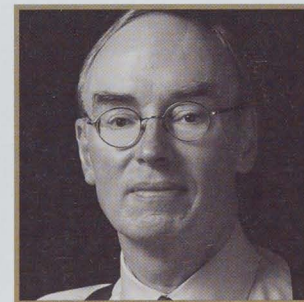
**KRISTIN M. MADISON**

ASSISTANT PROFESSOR OF LAW

**PUBLICATIONS**

"Hospital-Physician Affiliations and Patient Treatments, Expenditures and Outcomes," *Health Services Research*, April 2004

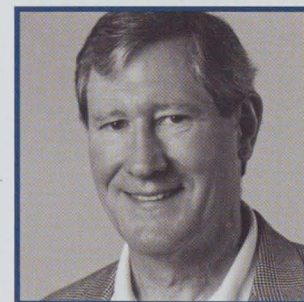
"Multihospital System Membership and Patient Treatments, Expenditures, and Outcomes," (2004, *Health Services Research*)



**BRUCE H. MANN**

LEON MELTZER PROFESSOR OF LAW AND PROFESSOR OF HISTORY

"Republic of Debtors: Bankruptcy in the Age of American Independence," won the 2004 J. Willard Hurst Prize, from the Law and Society Association for the best book in sociolegal history. This was the third prize for the book. In May 2004, Mann commented on a paper entitled "Risk and Adaptation in the Early Chesapeake" at the Boston Area Early American History Seminar in Massachusetts.



**CHARLES W. MOONEY, JR.**

CHARLES A. HEIMBOLD JR. PROFESSOR OF LAW

Mooney assumed the position of Chair of the Penn



## FACULTY NEWS AND PUBLICATIONS

Faculty Senate in May 2004. He also served as a member of the University's Consultative Committee for the search of the University president.

### PUBLICATIONS

Insolvency Law as Credit Enhancement: The Insolvency-Related Provisions of the Cape Town Convention and the Aircraft Protocol, 13 *International Insolvency Review* 27 (2004)

The Unfortunate Life and Merciful Death of the Avoidance Powers under Section 103 of the Durbin-Delahunty Bill: What Were They Thinking? (forthcoming 2004, *Cardozo Law Review*)

A Normative Theory of Bankruptcy: Bankruptcy As (Is) Civil Procedure (forthcoming 2004, *Washington and Lee Law Review*)

Means Measurement Rather than Means Testing: Using the Tax System to Collect from Can-pay Consumer Debtors after Bankruptcy, February 2003 *American Bar Institute Journal* 6

### STEPHEN J. MORSE

FERDINAND WAKEMAN HUBBELL PROFESSOR OF LAW; PROFESSOR OF PSYCHOLOGY AND LAW IN PSYCHIATRY

Morse presented a talk "The Dangerous Demise of Desert-Disease Jurisprudence" in April 2003 during a conference at Wisconsin Law School on "The Mental Health Power in the Liberal State." He taught a workshop on criminal responsibility in



the Forensic Psychiatry Training Program at the University Complutense in Madrid in May 2003, and presented a lecture on the Supreme Court's criminal law jurisprudence to the annual meeting of the Delaware Judiciary at Rehoboth Beach in October 2003. In addition, Morse presented a keynote address "Psychiatric and Legal Aspects of Intimate Partner Violence: The American Experience" at the annual meeting of the Spanish Forensic Psychiatry Association in Almagra, Spain in November 2003. In March 2004, Morse was the keynote speaker at the Frederick Womble Speas Symposium at Davidson College, where he presented "Addiction and Responsibility."

### PUBLICATIONS

"Reason, Results and Criminal Responsibility" *Illinois Law Review* (forthcoming 2004).

"Preventive Confinement of Dangerous Offenders" 32 *The J. of Law, Medicine & Ethics* 56 (2004)

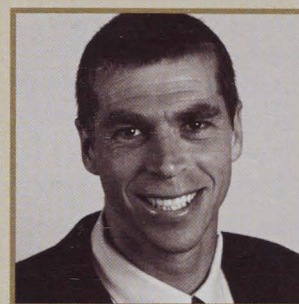
"Craving and Compulsion, Medicine and Morals," 39 *Drug Use and Misuse* 437 (2004).

"Involuntary Competence," 21 *Behavioral Sciences & the Law* 311 (June 2003).

"Diminished Rationality, Diminished Responsibility," 1 *Ohio State Journal of Criminal Law* 289 (2003)

"Inevitable Mens Rea," 27 *Harvard J. Law & Public Policy* (2003)

"New Neuroscience, Old Problems" in B. Garland, Ed., *Neuroscience and the Law: Brain, Mind and the Scales of Justice* (forthcoming, 2004, Dana Press)



### GIDEON PARCHOMOVSKY

PROFESSOR OF LAW

Parchomovsky presented "What Property Is" at the 2004 American Law and Economics Annual Conference at the Northwestern University School of Law. At the Intellectual Property-Law and Economics Seminar, he presented, "Intellectual Property and the Value of the Firm," as well as "A Marketplace for Ideas."

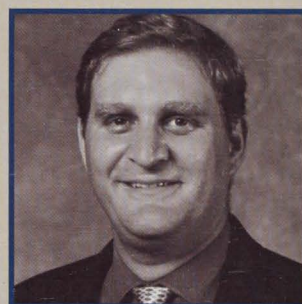
### PUBLICATIONS

"What Property Is," 90 *Cornell L. Rev.* (with Abraham Bell) (forthcoming 2005)

"Of Property and Anti-Property," 102 *Michigan L. Rev.* 1 (with Abraham Bell) (2003)

*The Value of Giving Away Secrets*, 89 *Virginia Rev. 1857* (with Oren Bar Gill) (2003)

"Selling Mayberry: Communities and Individuals in Law and Economics," 92 *Calif. L. Rev.* 75 (with Peter Siegelman) (2003)



### NATHANIEL PERSILY

ASSISTANT PROFESSOR OF LAW

Persily organized the June 2004 "Homeland Security and Civil Liberties" conference held at Penn Law. The conference was cosponsored by the U.S. Army War College. He was also appointed by the U.S. District Court for the Northern District of Georgia to draw districting plans for the Georgia General Assembly. The appointment followed that court's decision striking down the previous Assembly plans as violating the one-person, one-vote rule. The Court adopted the plans Persily drew, and elections under them will take place this November. In addition, Persily continued



to give lectures around the country on issues of election law—at the Brookings Institution and the National Conference of State Legislatures—on redistricting, at Princeton University and Southwestern Law School on campaign finance law, at the Census Bureau on “The Law of the Census”, and at the National Constitution Center to explain American election law to a group of Russian politicians.

#### PUBLICATIONS

Ideology, Expertise, and Interest in the Campaign Finance Debate, *Constitutional Commentary* (forthcoming 2005)

When Courts Carve Democracies, *George Washington Law Review* (forthcoming 2005)

Regulating Democracy through Democracy: Do Initiative States have Different Election Law Regimes? *Southern California Law Review* (with Melissa Cully Anderson) (forthcoming 2005)

The Law of Party Financing: The United States in Comparative Perspective, in Keith Ewing & Samuel Issacharoff, Title TBA (forthcoming 2005)

#### WENDELL PRITCHETT

ASSISTANT PROFESSOR OF LAW

On February 6, 2004 Pritchett presented a paper on “Regionalism Race and Urban Policy, 1960-1974” to the University of Michigan Law School Legal



Studies Workshop, and later that month participated in a conference at Fordham Law School on “Urban Equity.” In March 2004, he presented a paper, “Which Urban Crisis: The Creation of HUD and the Politics of Race” at the annual conference of the Organization of American Historians. Pritchett gave the Urban Studies Lecture, “What’s A City For? Or, How I Learned to Stop Worrying and Love the Hood,” at Carnegie Mellon on April 2, and on April 7, spoke on “Brown and the Meaning of Equality” at the Penn Law School Conference on Brown v. Board of Education. Later that month, he presented a paper, “A National Issue: Segregation in D.C. and the Civil Rights Movement at Mid-Century,” at the Georgetown Law Center conference on Bolling v. Sharpe.

#### PUBLICATIONS

“Identity Politics Past and Present,” 62 *International Labor and Working class History* (2004, forthcoming)

“A National Issue: Segregation in D.C. and the Civil Rights Movement at Mid-Century,” 93 *Georgetown Law Journal* (2004, forthcoming)



#### PAUL H. ROBINSON

COLIN S. DIVER DISTINGUISHED PROFESSOR OF LAW

Robinson gave a presentation, “Does Criminal Law Deter? A Social Science Investigation” at the Brooklyn Law School in February 2004. This past May, he presented “Comments on the Recent Amendments to the U.S. Sentencing Guidelines,” to the Administrative Office of the United States Courts, Defender Services Division in Boston. Also in May, Robinson presented “Justification Defenses in Situations of Unavoidable Uncertainty,” at the Philosophy Symposium on Justification and Excuse: Philosophical and Legal Perspectives of the Camden Institute for Law and Philosophy.

#### PUBLICATIONS

Law Without Justice: How and Why Criminal Law Deliberately Sacrifices Desert (with Michael

Cahill) (Oxford University Press forthcoming 2004)

Criminal Law: Case Studies & Controversies (Aspen forthcoming October 2004)

Teacher’s Manual for *Criminal Law: Case Studies & Controversies* (Aspen forthcoming August 2004)

“Does Criminal Law Deter? A Social Science Investigation,” 24 *Oxford Journal of Legal Studies* (with John Darley) (forthcoming 2004); appendix on-line at <http://www.law.upenn.edu/fac/phrobins/OxfordDeterrenceAppendix.pdf>

“The Role of Deterrence in the Formulation of Criminal Law Rules: At Its Worst When Doing Its Best,” 91 *Georgetown Law Journal* 949-1002 (2003) (with John Darley)

“The Structure of American Criminal Law: A Brief Summary of Its Central Parts,” in He Bingsong (ed.), *Research on Criminal Law Theory Systems* (forthcoming 2004) (in Chinese)

“Criminal Justice in the Information Age: A Punishment Theory Paradox,” 1 *Ohio State Journal of Criminal Law* 683-687 (2004)

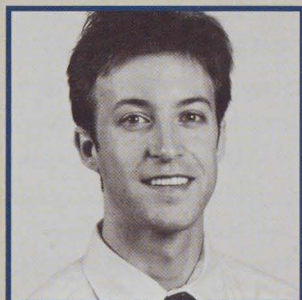
“The A.L.I.’s Proposed Distributive Principle of “Limiting Retributivism”: Does It Mean In Practice Pure Desert?,” 7 *Buffalo Criminal Law Review* 3-15 (2004) (symposium issue)

“Can a Model Penal Code Second Save the States from Themselves?,” in Symposium on Model Penal Code Revision, 1 *Ohio State Journal of Criminal Law* 169-177 (2003)

“Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment,” 83 *Journal of Personality and Social Psychology* 284-299 (2002) (as co-author, after Kevin Carlsmith and John Darley)



## FACULTY NEWS AND PUBLICATIONS



### KERMIT ROOSEVELT

ASSISTANT PROFESSOR  
OF LAW

In April 2004, Roosevelt spoke about Justice Scalia's impact on the Supreme Court at a meeting of the Philadelphia Bar Association. That same month, he was a panelist on the Pennsylvania Lesbian and Gay Task Force 25th Anniversary Justice Forum discussing Marriage, Equality, and Civil Rights, and this past March, he was the moderator on a panel discussion at Penn Law concerning Civil Liberties in the Age of Terror. Roosevelt presented The New First Amendment to the University of Maryland Law School in March 2004, and was a panelist on the Massachusetts, Gay Marriage, and Political Mayhem discussion at Penn Law on February 18 of this year.

#### PUBLICATIONS

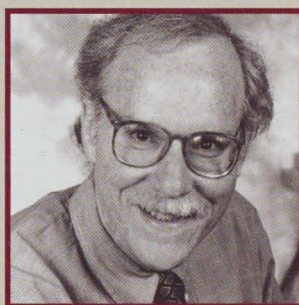
Union to Union, *Philadelphia Inquirer*, February 23, 2004 (op-ed piece on same sex marriage)

Who is Protected by Our Constitution?, *South Florida Sun-Sentinel*, March 29, 2004 (on the rights of Guantanamo detainees). (op-ed piece)

"Exhaustion Under the Prison Litigation Reform Act: The Consequences of Procedural Error," 52 *Emory L. J.* 1771 (2003)

Resolving Renvoi: The Bewitchment of our Intelligence by Means of Language (forthcoming *Notre Dame L. Rev.*)

Light From Dead Stars: The Procedural Adequate and Independent State Ground Reconsidered, 103 *Colum. L. Rev.* 1888 (2003)



### DAVID RUDOVSKY

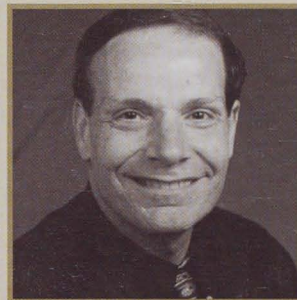
SENIOR FELLOW

Rudovsky recently received the Harvey Levin Memorial Award for Teaching Excellence. In March 2004, he delivered the David C. Baum Memorial Lecture in Civil Rights and Civil Liberties at the University of Illinois College of Law. The title of his talk was "The Paradox of Expanding Liberties and Restricted Remedies." In addition, Rudovsky was a keynote speaker at a Conference on Terrorism and Civil Liberties sponsored

by Penn Law and the Army War College.

#### PUBLICATIONS

"Searches and Seizures," chapter in "The Pennsylvania Constitution: A Treatise on Rights and Liberties" (2004).



### LOUIS S. RULLI

PRACTICE PROFESSOR  
OF LAW

Rulli coordinated the Superior Court of Pennsylvania's two day argument session held at Penn Law School in March. Students observed oral arguments by lawyers in civil, criminal, and family law cases and were able to ask questions to panel judges. In January, Rulli was appointed as co-chair of the Pennsylvania Bar Association's Task Force on Loan Forgiveness and Repayment Assistance. The task force will study the problem of high debt burden in Pennsylvania and its impact upon the ability of new law graduates to undertake public service employment. In March, Rulli was the retreat facilitator for the statewide board of directors of Pennsyl-

vania Legal Services, and in May, he conducted training for the private bar on civil forfeiture of real estate under Pennsylvania's Controlled Substances Forfeitures Act, as a way of increasing pro bono representation in this area of need.



### CHRIS SANCHIRICO

PROFESSOR OF LAW,  
BUSINESS & PUBLIC  
POLICY

#### PUBLICATIONS

"Evidence, Procedure, and the Upside of Cognitive Error" *Stan. L. Rev.* (forthcoming 2004)

"Finding Error," 2003 *MICH. ST. L. REV.* 1189 (2004) (in Symposium: *Visions of Rationality in Evidence Law*)

"General and Specific Legal Rules," U. PA., Inst. L. & Econ. Res. Paper Series, No. 04-13, 2004) (with P. Mahoney)

"Evidence Tampering," *Duke L. J.* (2003)

"Norms, Repeated Games, and the Role of Law," 91 *Cal L. Rev.* 1281 (with P. Mahoney) (2003)

"Big Field, Small Potatoes: An Empirical Assessment of EPA's Self-Audit Policy," *J. Pol'y Analysis. & Mgmt.* (with A. Pfaff) (forthcoming 2004)



"Should Plaintiffs Win What Defendants Lose? Litigation Stakes, Litigation Effort, and the Benefits of Decoupling," *J. of Legal Stud.* (with A. Choi) (forthcoming 2004)

"Evidence Arbitrage: The Fabrication of Evidence and the Verifiability of Contract Performance," (UVA L. & Econ. Research Paper No. 02-17) (with G. Triantis)

"Collusion and Price Rigidity," 71 *Rev. Econ. Stud.* 317 (with S. Athey & K. Bagwell) (2004)

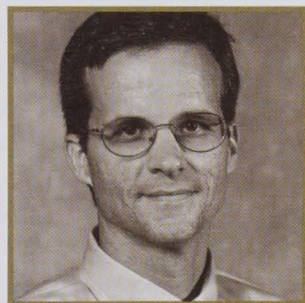


**DINA SCHLOSSBERG**

PRACTICE ASSOCIATE  
PROFESSOR OF LAW

Schlossberg presented her "Workshop on the Future: Small Business Clinical Programs" at the AALS Conference on Clinical Legal Education in San Diego, California this past May. In March 2004, she was Presenter and Workshop Facilitator at the Conference on the Creation and Maintenance of and Public Interest Advocacy by Intellectual Property Clinics held at American University Law School in Washington D.C., as well as the presenter of "Community Develop-

ment through the Lens of a Community Development Lawyer" at the Edward V. Sparer Symposium at Penn Law. In addition, Schlossberg presented her work-in-progress, "HUD, Federal Programs and Creation of Jobs in Low-Income Communities" at the Eleventh Annual CLE Conference-Update for Feminist Law Professors at Duquesne University School of Law this past February.



**DAVID SKEEL**

S. SAMUEL ARSHT  
PROFESSOR OF  
CORPORATE LAW

In February, Skeel co-moderated a panel on statutory mechanisms for addressing sovereign debt crisis at the Sovereign Debt Conference at Georgetown Law Center. That same month, he presented his paper "Why Do Distressed Firms Choose Delaware?" at the Olin Conference on Empirical Work in Corporate, Bankruptcy and Securities Law at the University of Virginia. Skeel presented a paper on race, credit markets and

bankruptcy at the Critical Race Theory conference at Washington and Lee University School of Law in March, and served as a commentator on a panel concerning the treatment of employees in bankruptcy at the annual F. Hodge O'Neil Conference at Washington University in April. Also in April, he gave a talk, sponsored by the John Newton Society, on law and literature at Dickinson Law School. In May, Skeel presented "The Past, Present and Future of DIP Financing" as the Clifford Chance Visitor at a conference on corporate insolvency at Cambridge University and presented "Inside the Black Box: How Should a Sovereign Bankruptcy Regime be Structured?" during a seminar at the International Monetary Fund.

PUBLICATIONS

ICARUS IN THE BOARDROOM: THE FUNDAMENTAL FLAWS OF CORPORATE AMERICA AND WHERE THEY CAME FROM (forthcoming, Oxford University Press, 2004)

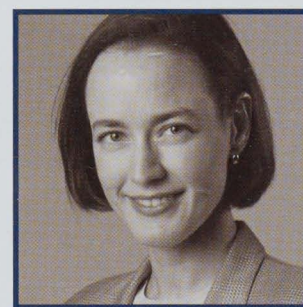
"Corporate Anatomy Lessons," 113 *YALE L.J.* 1519 (essay review of Reinier Kraakman et al, *The Anatomy of Corporate Law*) (2004)

"Bankruptcy's Home Economics," *AM. BANKR. L. INST. L. REV.* (forthcoming, 2004)

"Inside the Black Box: How Should a Sovereign Bank-

ruptcy Regime be Structured?," *Emory L. J.* (symposium volume for sovereign debt conference at Georgetown University) (with Patrick Bolton) (forthcoming, 2004)

"Racial Dimensions of Credit and Bankruptcy," *Washington and Lee Law Review* (forthcoming 2004)



**CATHERINE T. STRUVE**

ASSISTANT PROFESSOR  
OF LAW

In March 2004, Struve participated on a panel that briefed legislative aides in Harrisburg on medical liability reform. In July 2004, she spoke on a panel on statutory interpretation at an annual conference for Pennsylvania state trial judges. This fall, Struve is serving as co-reporter for the Third Circuit Task Force on Model Jury Instructions in Civil Cases.

PUBLICATIONS

"Improving the Medical Malpractice Litigation Process," 23 *Health Affairs* 33 (July/ August 2004)

"Tribal Immunity and Tribal Courts," 36 *Ariz. St. L. J.* 137 (2004)



## FACULTY NEWS AND PUBLICATIONS

"Doctors, the Adversary System, and Procedural Reform in Medical Liability Litigation," 72 *Fordham L. Rev.* 943 (2004)

"Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment," 83 *Journal of Personality and Social Psychology* 284-299 (2002) (as co-author, after Kevin Carlsmith and John Darley)



### R. POLK WAGNER ASSISTANT PROFESSOR OF LAW

In August 2004, Wagner presented "Patent Portfolios" at the 2004 IP Scholars Conference in Chicago, and in June gave a talk titled "A Perfect Storm: Fair Use in the Modern Scholarly Domain," at the Knowledge Held Hostage Conference at the Annenberg School for Communications at Penn. He also presented "Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance" at the University of Virginia Law School in April 2004, as well as "Information Wants to Be Free: Intellectual Property and the Mythologies of Control," at the New York University Law School in January. In December 2003,

Wagner spoke at the Fish & Richardson Seminar Series, on "Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance," which he also presented at the Intellectual Property Section of the Federalist Society in New York in October and the ALEA Conference in Toronto in September. In November 2004, he presented "Exactly Backwards: A Comment on Technological Exceptionalism in the Patent Law," at Case Western Reserve University Law School, and that same month, gave a talk, "The Case Against Software," at the Penn-Temple-Wharton Colloquium. Wagner presented "Plate Tectonics: Copyright vs. the First Amendment" at the 2003 Constitutional Law Conclave in Philadelphia, and spoke on "Current Issues in Cyberlaw & Intellectual Property," at the Judges' Retreat for the Eastern District of the Pennsylvania U.S. District Court in October 2003.

### PUBLICATIONS

"Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance," 152 *U. Penn L. Rev.* 1105 (2004).

"Of Patents and Path Dependency: A Comment on Burk & Lemley," 18 *Berkeley Tech L. J.* 1341 (2004).

"(Mostly) Against Exceptionalism," in F. Scott Kieff, *Advances in Genetics* 50:367 (2003).

"Information Wants to Be Free: Intellectual Property and the Mythologies of Control," 103 *Colum. L. Rev.* 101 (2003).

"On Software Regulation," 78 *S. Cal L. Rev.* (forthcoming 2004)

"Exactly Backwards: Exceptionalism and the Federal Circuit," 54 *Case W. L. Rev.* (forthcoming 2004).

Patent Portfolios (with G. Parchomovsky) (in progress, 2004)

Patent Law (Concepts & Insights) (w. C. Nard) (forthcoming: Foundation Press 2005)



# PHILANTHROPY

## Announcing Eleven Philanthropic Gifts

**ARLIN M. ADAMS L'47** has made a substantial gift to the Law School's general fund to be used to assist law students to serve as summer interns for members of the federal judiciary. Judge Adams is counsel at Philadelphia-based Schnader, Harrison, Segal & Lewis. He has had a long and distinguished career on the bench and in public service, having spent 18 years as a judge on the U.S. Court of Appeals for the Third Circuit and three years as secretary of public welfare for the Commonwealth of Pennsylvania. He also served five years as an independent counsel investigating the Department of Housing and Urban Development. Judge Adams was editor-in-chief of the *Penn Law Review* and is a former chairman of Penn Law's Board of Overseers. He has also served as Chancellor of the Philadelphia Bar Association and President of the American Judicature Society. He received the Distinguished Service Award in 1981 as well as the James Wilson Award from the Law Alumni Society in 2001. He also lectured at the Law School for twenty-two years. He is past president of the American Philosophical Society and the author of numerous law review articles and a case book on constitutional law. In 1997, Judge Adams received the Philadelphia Award for service to the community and in 1999 the Philadelphia Bar Association's Gold Medal Award.

An endowed scholarship fund has been created in memory of the late Penn Law professor, **MARTIN ARONSTEIN L'65**, who died last year. Aronstein was a member of the faculty for 14 years. He also practiced at Obermeyer, Rebman, Maxwell, and Hippel, Morgan, Lewis, and Bockius, and was a partner at Ballard, Spahr, Andrews & Ingersoll. He was counsel to the Permanent Editorial Board of the Uniform Commercial Code and principal author of revisions to the UCC's Article X governing uncertificated securities.

**DEWEY BALLANTINE LLP** has established a scholarship fund that will benefit Penn Law students over the next five years. The New York-based law firm stipulated that special consideration be given to students who have overcome socioeconomic or educational disadvantages to attend law school. Two students per year will receive scholarships. Dewey Ballantine employs 550 attorneys in thirteen offices, including seven in Europe. Many of the firm's highly respected lawyers are consistently ranked among the world's leaders in their respective fields.

**MYER FELDMAN W'35, L'38** has made a generous donation to the University of Pennsylvania Law School. Feldman, who practices law in Washington D.C., has served in a number of prominent government positions since his graduation from Penn Law. He served as Special Counsel and Executive Assistant to the Chairman of the Securities and Exchange Commission from 1946 to 1954; Counsel of the Banking and Currency Commission, U.S. Senate from 1955 to 1957; Legislative Assistant to John F. Kennedy from 1958-1961; Deputy Special Counsel to Presidents Kennedy and Johnson from 1961 to 1964; and Counsel to President Johnson from 1964 to 1965. In 1965, Feldman became a founding partner of the Washington, D.C. law firm of Ginsburg & Feldman, which later became Ginsburg, Feldman & Bress. Feldman serves on several corporate and nonprofit boards including as vice chairman, chairman of the executive committee and lead director of the Special Olympics. He is married to Adrienne Arsht, daughter of the late Roxanna Arsht L'39, the first woman judge in Delaware.

**ANTONIO MAGLIOCCO, JR. L'77**, Vice Chairman of Quaker Equities, Ltd., has made a gift to establish the Antonio Magliocco Endowed Scholarship. Quaker Equities owns wine and liquor distribution companies in New York State and Connecticut, a wine and liquor import company, and a micro-brew, New Amsterdam. Magliocco is a member of the Penn Law Board of Overseers. He and his wife, Carla Solomon, who is a



## PHILANTHROPY

psychoanalyst, serve on the Yale Development Board and on the board of the New York Psychoanalytic Foundation. Magliocco received his undergraduate degree from Yale University.

**JEANNE C. OLIVIER L'79** has made a leadership gift to the Law School's Annual Giving Fund. Olivier joined Shearman & Sterling LLP in 1980 and has been a partner since 1988 and is in the Project Development and Finance Group which she has led for many years. She has broad experience in international finance, including sovereign and corporate debt restructurings and project finance, and is an expert in political risk insurance matters. Olivier is a former member of the Board of Overseers at Penn Law and is currently on the Board of the Thomas J. Watson Foundation and on the Board of Advisors at Penn Law's Institute of Law and Economics. She was recently named to the Board of Trustees of Tulane University and is also currently the Chair of the Associates Board of Directors of Tulane. In addition, she is on the national board of Boys Hope/Girls Hope.

A \$1.2 million gift has been made from the estate of **BERNARD G. SEGAL L'31**. The bulk of the gift is being used for facilities. Segal, an original member of Schnader, Harrison, Segal & Lewis, eventually became the firm's chairman. He was the youngest deputy attorney general in Pennsylvania history, and served as president of the American Bar Association. He had also been a trustee of the University of Pennsylvania, where he endowed the Bernard G. Segal Professorship of Law at the Law School, held by Dean Michael A. Fitts.

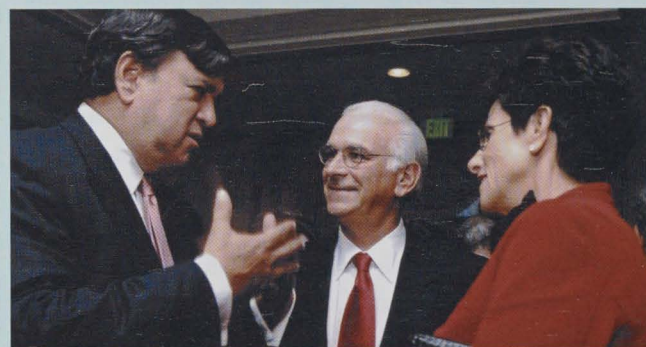
**ALVIN SNOWISS C'52, L'55 AND HIS WIFE, JEAN**, continued their dedication to Penn Law with a gift to fund the Alvin L. Snowiss Professor in Law, which they established in 1999. The chair supports scholarship in the fields of antitrust law, economic regulation, law and economics, environmental or corporate law. Snowiss is founder of and senior partner at the Lock Haven, Pennsylvania firm of Snowiss, Steinberg, Faulkner & Hall, LLP. In addition, Snowiss was the first recipient of the Pennsylvania Bar Association Cultural Heritage Award, which is given to a Pennsylvania lawyer who has made significant personal contributions to the arts and humanities outside his practice of law. Jean and Alvin were both born and raised in Lock Haven, and have established scholarships at Penn State University. The scholarships are awarded to graduates of Clinton County schools.

**TERRI SOLOMON TOPAZ L'79** has made a substantial gift to the annual giving fund. A partner at Littler Mendelson in New York, Ms. Solomon Topaz has nearly 25 years of experience practicing employment and labor law. Previously, she was partner at Grotta, Glassman & Hoffman in New York and

counsel at Simpson Thacher & Bartlett, also in New York. She frequently lectures on employment and labor law, and is author of numerous articles on employment-related topics. She serves on the Alternative Dispute Resolution Committee of the New York State Bar Association. Ms. Solomon Topaz chaired her class' 25th reunion at Penn Law.

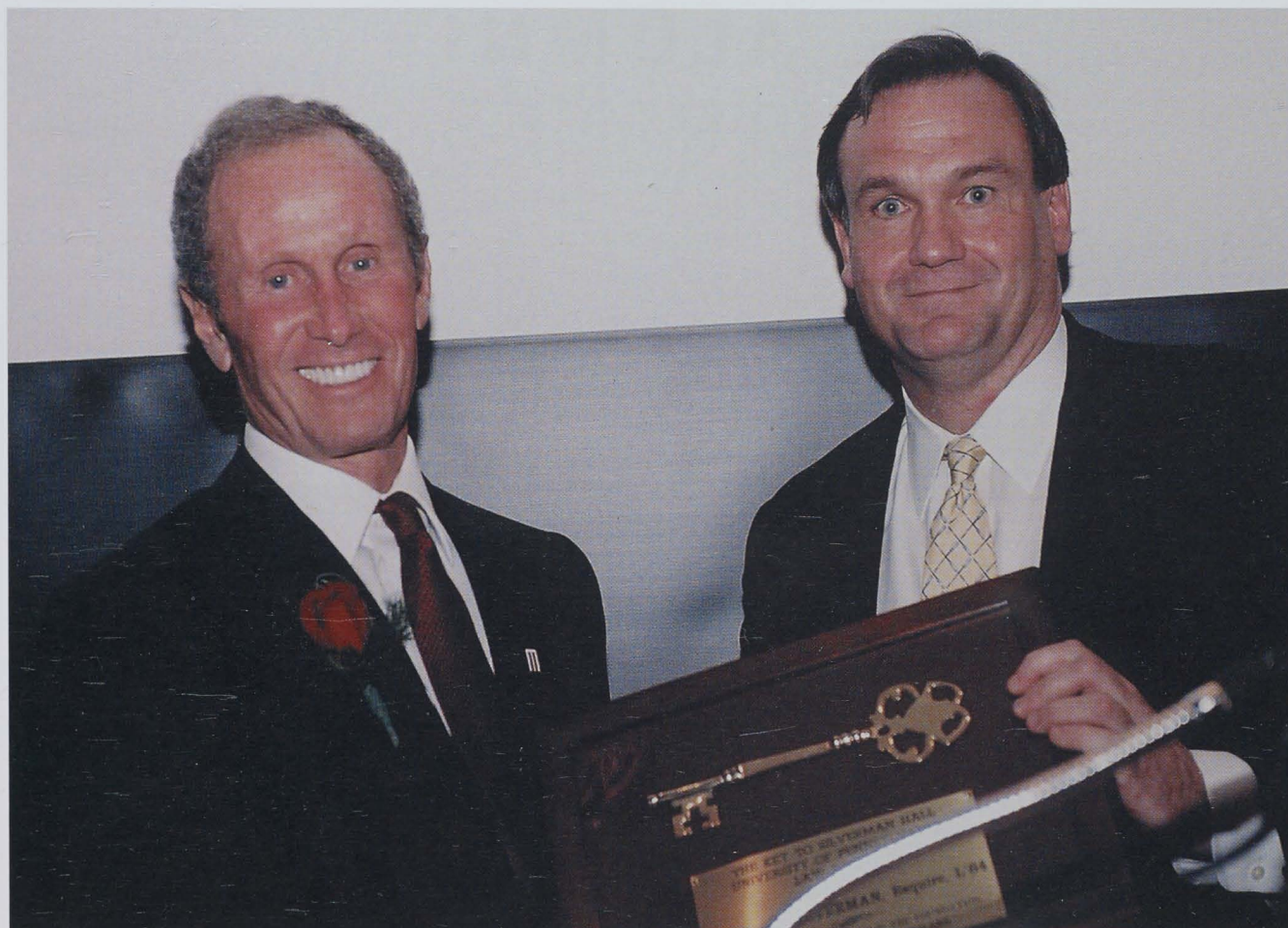
**WEIL GOTSHAL AND MANGES**, one of the world's largest and most prominent law firms, recently made a gift to establish a scholarship fund that will assist up to four first-year law students. The gift was facilitated by R. Bruce Rich L'73, a partner of the firm who is on the Law School's Board of Overseers. The New York-headquartered firm employs more than 1,100 attorneys in 18 offices around the world, and is a leader in providing international legal services. Among its recent kudos, Weil Gotshal and Manges was named "US Private Equity Law Firm of the Year" and "France Law Firm of the Year" at the Chambers Global 2004 Awards in London, and was a finalist for The American Lawyer's 2004 Litigation Department of the Year.

**A FOUNDATION** has made an anonymous \$1 million gift to the general endowment fund. The gift was facilitated by a member of the class of 1964.



New Mexico Governor Bill Richardson (top left) made a surprise appearance as a few hundred attorneys, government officials, family, friends, and Penn Law faculty members turned out for a gala event at the Four Seasons Hotel in Philadelphia to honor Stephen A. Cozen (bottom left) and the law firm he founded, Cozen O'Connor. Cozen O'Connor donated \$2 million to the Law School, becoming the first law firm to establish an endowed chair at Penn Law – the Stephen A. Cozen Professor of Law. Bottom right is Patrick J. O'Connor, President and CEO of Cozen O'Connor.





Dean Michael A. Fitts presents key to Penn Law School to Henry R. Silverman L'64 (left). Then-Penn President Judith A. Rodin ribs Silverman during spoof.

## Penn Law Thanks Silverman for Largest Gift in School History

**AS THE THEN-CURRENT** and future presidents of the University of Pennsylvania looked on, the Law School paid tribute to Henry R. Silverman, who had designated \$5 million of his original \$15 million gift to establish the Silverman-Rodin Scholars program. Part of that gift also endowed a professorship. At a dinner in New York attended by Judith Rodin and new Penn president Amy Gutmann, Penn Law Dean Michael A. Fitts presented Silverman with a key to the Law School and a script from the television program *Law & Order* signed by cast members. *Law & Order* is Silverman's favorite show. In recognition of his gift, Silverman will also appear on an episode of the popular show this season.







## ALUMNI BRIEFS



### DeFrantz Appointed to Trimmed-Down U.S. Olympic Committee

**ANITA DEFRANTZ L'77** was recently appointed to the 11-member Board of Directors of the United States Olympic Committee. The transition from a 125-member governing board to the new, 11-member board represents the most sweeping governance change in the history of the USOC.

DeFrantz competed with the 1976 and 1980 U.S. Olympic rowing teams, winning a bronze medal in the 1976 games. She also won a silver medal at the 1978 World Championships, and was a National Champion six times. In 1986, DeFrantz became

the first woman to represent the International Olympic Committee (IOC) in the U.S., and went on to become the first woman in the IOC's history to be elected as vice president in 1997, serving a four-year term. DeFrantz was ranked No. 19 on *Sports Illustrated's* 2003 list of the 101 most influential minorities in sports, and was named one of the 100 most powerful people in sports by *The Sporting News* nine times.

DeFrantz currently serves as president and member of the Board of Directors of the Amateur Athletic Foundation of Los Angeles, as well as president of Kids In Sports. Her numerous honors and awards include the NAACP Legal Defense and Educational Fund's Black Woman of Achievement Award and the NAACP's Jackie Robinson Sports Achievement Award.



### Justice Holland Becomes Only Third American To Be Named Honorary Master of the Bench

**JUSTICE RANDY J. HOLLAND L'72**, of the Delaware Supreme Court, has become only the third American judge to be elected an Honorary Master of the Bench by Lincoln's Inn of London, England. Recipients of the Honorary Master of the Bench are distinguished jurists from common law countries. The other Americans so honored were U.S. Supreme Court Justices Ruth Bader Ginsberg and John Paul Stevens.



Holland became the youngest person to serve on the Delaware Supreme Court upon his appointment in 1986. He was reappointed and confirmed unanimously for a second 12-year term in January 1999.

The national President of the American Inns of Court, Holland was elected to a second term in 2002. The American Inns of Court are designed to improve the skills, professionalism and ethics of the bench and bar. More than 20,000 state, federal and administrative law judges, attorneys, legal scholars and third-year law students participate in their programs.

Holland received Penn Law's 2002 Award of Merit, in addition to the 1992 Judge of the Year Award from the National Child Support Enforcement Association. Prior to his judgeship, Holland was in private practice as a partner in Morris, Nichols Arsht and Tunnell.



## For Better or Worse, Penn Law Couple Continue to Teach Law

**DISTINGUISHED MEMBERS** of their respective academic communities, Professors Jeffrey L. Kwall L'81 and Roberta Rosenthal Kwall L'80 owe a great deal to Penn Law. Not only have the two led parallel lives since meeting one another in Irvine Auditorium in the fall of 1977, but to Roberta's knowledge, the Kwalls are the only husband-and-wife Penn Law graduates

active as full-time professors of law. In the spring of 2004, Jeffrey completed his 20th year on the faculty of Loyola University Chicago School of Law. His achievement matched Roberta's, who in the spring of 2003 completed her 20th year as a faculty member at DePaul University College of Law.

Jeffrey is the Kathleen and Bernard Beazley Professor of Law at Loyola and is the Director of Loyola's Tax LLM Program. He also serves as Of Counsel to the firm of Michael Best & Friedrich. Roberta is the Raymond P. Niro Professor of Intellectual Property Law at DePaul, as well as the Director of the DePaul Law School Center for Intellectual Property Law & Information Technology (CIPLIT). The Kwalls published their jointly authored casebook, *Fundamentals of Modern Property Law* (Foundation Press, University Casebook Series, 4th ed.) in the fall of 2000.

Jeffrey is the author of a leading corporate and partnership tax casebook used by more than 35 law schools around the country. He has served as Chair of the Faculty Development Committee at Loyola for more than a decade, and has published tax articles in many legal journals. Jeffrey also recently served as the Chair of the Federal Tax Section of the Chicago Bar Association. In addition to his tax expertise, Jeffrey teaches courses in real property and financial planning.

Under Roberta's direction, CIPLIT has become one of the most successful IP programs in the country. She is one of the country's leading experts on moral and publicity rights. Roberta conceived the Annual IP Scholars Conference to provide a forum for younger scholars, and has co-authored two widely used casebooks. In 1999, she received the Law School Faculty Achievement Award, and in 2002 was honored with the DePaul University Spirit of Inquiry Award. Last Year, Roberta was the Randall Parks Distinguished Lecturer at the University of Kentucky Law School.

In addition to their professional accomplishments, the Kwalls are active in the Jewish Federation of Chicago and Chicago's Jewish Community. They have three daughters: Shanna, 18 (who will be a freshman at Michigan in the fall); Rachel, 16, and Nisa, 13.



## ALUMNI BRIEFS

1950s

**MELVIN G. LEVY ED'43, L'50** was named to the Board of the American Cancer Society, in the Southeastern Pennsylvania Region. Levy is a former judge of the Court of Common Pleas of Delaware County, PA, where he served for almost 15 years. He has taught at both Widener University Law School and the Penn State University, and has spent recent years as counsel to Blank, Rome, Comisky and McCauley.

**ROBERT FREEDMAN L'54**, of counsel to Drinker Biddle & Reath LLP and a member of the firm's Real Estate Practice Group, joined the ranks of the Philadelphia Bar Association's "50 Year Club." A former real estate law lecturer at The Wharton School and for the Pennsylvania Bar Institute, Freedman concentrates his practice in all aspects of commercial real estate law.

**FRANCIS J. HARTMAN L'55** was recently recognized by his peers as one of "The Ten Leaders of Criminal Defense Law in Southern & Central New Jersey 2004-2005." Hartman, who has been listed in "Best Lawyers of America" for more than 20 years, has been a criminal law instructor at The Wharton School, Temple Law School and Widener Col-

lege. In addition, he has held prestigious positions in many organizations, including: various capacities with both the state and national chapters of the Association of Trial Lawyers of America; national secretary and treasurer for the National Association of Criminal Defense Lawyers (NACDL); president of NACDL's New Jersey Chapter; former president and board member of the Southern New Jersey Chapter of the American Board of Trial Advocates; and former president of The Brehon Law Society.

1960s

**RICHARD R. BLOCK L'62** is now a member of the Pennsylvania Workers' Compensation Appeals Board, after receiving a nomination by Governor Rendell and approval by the Pennsylvania State Senate in April of 2004.

**STEVEN A. SHELLER L'63** has been appointed by the Cape May School of Media Arts as Chairman of the Board of Trustees. Sheller is founder and managing partner of Sheller Ludwig & Badey, one of the largest plaintiff's personal injury and class action law firms in the Eastern United States. He is also a member of the Drexel University Board of Trustees; serves on the honorary board of Friends of Cape May Jazz, Inc., which produces the Cape May

Jazz Festival; and sits on the Foundation of The University of Medicine and Dentistry of New Jersey Board of Trustees.

**ANDREW B. CANTOR L'64** was elected Secretary of the Montgomery County Community College Board of Trustees. Cantor is a partner at the law firm of Wisler Pearlstine Talone & Craig in Blue Bell, PA.

**JAMES A. STRAZZELLA L'64** was named President of the Board of the Smith Memorial Playground and Playhouse in Philadelphia. Strazzella currently holds the J.G. Schmidt Chair in Law at Temple University.

**WILLIAM A. MOGEL L'66** was honored by the 2,000 member Energy Bar Association which established a Summer Intern Scholarship for law students in Washington D.C. in his name. Mogel founded the *Energy Law Journal* and served as its Editor-in-Chief for 25 years.

**STEPHEN J. CABOT L'67** has left his post as Senior Partner and Chairman of the Labor Relations and Employment Law Department at the law firm of Harvey Pennington Cabot Griffith & Renneisen Ltd. to be a Partner at Saul Ewing LLP in Philadelphia. In addition, he recently published the *Stephen J. Cabot's Complete Guide to Labor Relations in the 21st Century*. The publication is a reference manual offering practical techniques for managing workplace issues. Cabot has

built his reputation by helping block or roll back union drives in the workplace.

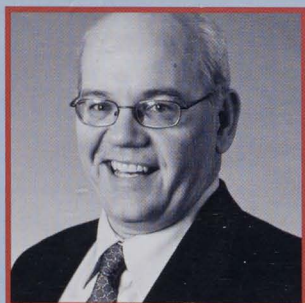
**JONATHAN M. STEIN L'67**, general counsel at Community Legal Services in Philadelphia, presented a paper this past spring on "The Future of Social Justice in Britain: A New Mission for the Community Legal Service" at the Fifth Legal Services Research Centre International Conference at the University of Cambridge. The paper, previously published in Britain, resulted from Stein's year of study at the London School of Economics, Centre for the Analysis of Social Exclusion, and with the Child Poverty Action Group in London. Stein's studies were sponsored by a British Council Atlantic Fellowship in Public Policy and the Penn Law School Gowen Fellowship in 2000-2001. He also completed a year as a member of the Philadelphia Tax Reform Commission.

**JAMES F. FLANAGAN L'67** has been named the Oliver Ellsworth Professor of Federal Practice at the University of South Carolina School of Law. Flanagan, co-author of South Carolina Civil Procedure, teaches civil procedure, alternative dispute resolution, and evidence.

**CARL B. FELDBAUM L'69**, President and CEO of the Biotechnology Industry Organization, has announced that he will be retiring at the end of the year. Feldbaum and his wife plan to move to Idaho.



# 1970s

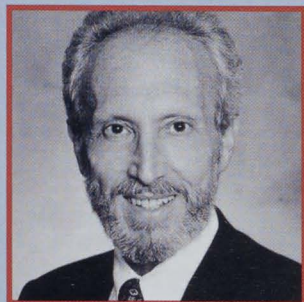


**ROBERT Q. KREIDER**

**L'70** became the president and CEO of Devereux, the nation's largest nonprofit provider of behavioral healthcare services to children and adults challenged by emotional, behavioral, educational, and developmental disabilities. Kreider, who was appointed in July, has been with the organization for ten years, first as senior vice president and Chief Financial Officer, and later as executive vice president and Chief Operating Officer. As CFO of the organization, he was awarded the Alexander Hamilton Award for Excellence in Corporate Finance by the National Association of Corporate Treasurers and *Treasury and Risk Management* magazine for the development of an innovative financing plan.

**BARRY M. ABELSON**

**L'71**, chairman of the Executive Committee of the law firm of Pepper Hamilton LLP, received the 2004 Judge Learned Hand Award, presented by the Philadelphia Chapter of the American



Jewish Committee. The award recognizes the contributions of outstanding members of the Philadelphia legal community who have distinguished themselves through their professional achievements and their dedicated leadership and commitment to the community.

**ANDREW JAY SCHWARTZMAN L'71,**

President and CEO of Media Access Project (MAP), was the first recipient of the "Just Media Lifetime Achievement Award," which is presented during the awards dinner for MediaRight's Fourth Annual Media That Matters Film Festival to individuals who have made a significant contribution to the reform of media policy. MediaRights is a nonprofit organization that links the media to social reformers. Schwartzman has directed MAP since 1979.

**IRA GENBERG L'72,**

a partner in the firm of Smith, Gambrell, & Russell, LLP, was recently selected by his peers to Georgia's "Super Lawyers," as featured in *Atlanta Magazine*, and by his peers to Georgia's "Legal Elite," *Georgia Trend's Magazine's* listing of Georgia's top 100 lawyers.

**KENNETH E. AARON**

**W'70, L'73** has been elected as the chairman of the Zoning Board of Lower Merion Township for the year 2004. Aaron, a partner at Weir & Partners LLP, has served ten years as a member of the Zoning Board. He also recently completed the American Board of Certification's requirements for recertification in Business Bankruptcy Law.

**STEPHEN A. MADVA L'73**

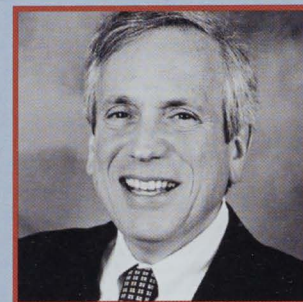
has been elected Chairman of the Board of Governors of Philadelphia's St. Christopher's Hospital for Children. Madva was named Chairman of the Philadelphia law firm Montgomery, McCracken, Walker & Rhodes LLP in 2003, after previously serving as Vice Chairman of the firm.

**MICHAEL L. BROWNE**

**L'74** has been named CEO of the Harleysville Insurance Company and Harleysville Group Inc., a regional underwriting organization with branches in 32 Eastern and Midwestern states. Previously, Browne served as Harleysville's Non-Executive Chairman, and as Partner at the Philadelphia-based law firm Reed and Smith.

**IAN M. COMISKY W'71,**

**L'74** participated in the Pennsylvania Bar Association's Family Law Section Winter Meeting in Philadelphia this past January. Comisky, Co-Chair of Blank Rome LLP's White Collar and



Internal Investigations Group, spoke on "White-Collar Crime Issues – Equitable Distribution and How Lawyers Can Avoid Trouble." He is also the co-author of the two volume treatise *Tax Fraud and Evasion* and was a former Assistant U.S. Attorney for the Southern District of Florida.

**ROY WEPNER '74**

has published an article titled "The Federal Circuit's Presumptively Erroneous Presumption of Irreparable Harm" in the Spring 2004 issue of the *Tulane Journal of Technology and Intellectual Property*. Wepner, who is a partner at the Westfield, NJ intellectual property firm of Lerner, David, Littenberg, Krumholz & Mentlik LLP, co-authored the article with one of his former students at Rutgers Law School.

**GENE E.K. PRATTER**

**L'75**, was unanimously approved by a 98-0 vote for a federal Judgeship in Pennsylvania's Eastern District. She was sworn in June 18, 2004. Pratter was General Counsel of Duane Morris and worked in commercial litigation, professional liability litigation, as well as employment contract and insurance coverage



## ALUMNI BRIEFS

litigation. She has been with the firm since 1975, and was elected to the partnership in 1983.

**JOHN CAMBRIA L'76** has joined the Litigation and Trial practice of the New York office of Alston & Bird. Cambria has been servicing the legal industry for 27 years and has been involved in some of the nation's most prominent court cases, most notably a class action on behalf of approximately 2,800 people who perished in the terrorist attacks of September 11, 2001.



**LAWRENCE J. BISTANY L'77** has been named a Partner in the Commercial Litigation Department at White and Williams LLP in Philadelphia. Bistany represents major property and casualty and professional liability insurance companies on a national and regional basis.

**HOPE A. COMISKY L'77** has been elected a fellow of the College of Labor and Employment Lawyers. She is a partner at Pepper Hamilton in Philadelphia. Comisky concentrates her practice in employ-



ment law counseling, training and litigation.

**DAVID E. GREEN L'77** joined the Motion Picture Association of America's Washington Office as Vice President and Counsel for Technology and New Media in 2003. Green had spent the preceding sixteen years with the Justice Department, most recently serving as Principal Deputy Chief of the Computer Crime and Intellectual Property Section.



**BERNARD LEE L'77**, a partner in the Real Estate Practice Group of Wolf, Block, Schorr and Solis-Cohen LLP, has been named Vice Chair of the firm's Executive Committee. Lee has been a member of the firm's governing committee for four years. In addition, he was appointed by Mayor John F. Street to the Philadelphia Economic Development Summit Planning

Committee, and will play an integral role in creating a plan to guide Philadelphia's economic development programs and policies. Lee is active in his community and has been honored for his role in counseling and advising young African American attorneys.

**ALFRED W. PUTNAM, JR. L'78**, a senior litigator at Drinker Biddle & Reath LLP and one of its Managing Partners, was elected as Chairman of the Board of Trustees of Jefferson Health System, Inc. Putnam has been a board member of Jefferson Health System since its founding in 1995, and most recently served as Chair of the Board's Governance Committee. He is also a member of the board of Main Line Health and is Chairman of the Board of the Lankenau Hospital Foundation.



**BONNIE MACDOUGAL KISTLER L'78**, a bankruptcy lawyer in Philadelphia, has been elected of counsel at Pepper Hamilton LLP in Philadelphia. Kistler has been practicing law for more than 20 years, and has also written four novels about lawyers and the law.

**JAMES E. NEVELS WG'78, L'78** has been appointed to the Advisory Committee of the Pension Benefit Guaranty Corporation (PBGC) by President Bush. He will serve until 2007. Nevels is Chairman of The Swarthmore Group, Inc., an independent investment and financial advisory firm that manages more than \$1.7 billion in assets. He is also Chairman of the Philadelphia School Reform Commission, which administers the seventh-largest school district in the United States. The PBGC guarantees payment of pension benefits to American workers and retirees who participate in more than 30,000 private-sector defined benefit plans.

**GERALD PAUL MCALINN L'79** has accepted a position as Professor of Law at Keio University Law School in Tokyo. His areas of specialization include international business transactions, Japanese Law & Society, and U.S. Constitutional Law. In addition to his duties as a full-time professor, McAlinn consults with law firms and corporations doing business in Japan, serves on a number of boards, sits as an arbitrator in international commercial disputes, and has recently advised the Japanese Commercial Arbitration Association.

**GERALD A. MCHUGH JR. L'79** has been elected to membership in the American Law Institute. The Institute is a national organization of judges, scholars, and prac-



tioners dedicated to legal reform.

**JEANNE C. OLIVIER L'79,**

a former member of the Penn Law Board of Overseers, has been appointed to the Board of Tulane University, her alma mater. She also chairs the school's Associates Board of Directors. A partner at the global law firm of Shearman & Sterling LLP, she leads the Project Development and Finance Group. She has broad experience in international finance, including sovereign and corporate debt restructurings and project finance, and is an expert in political risk insurance matters. Olivier is a member of the Board of Advisors at Penn Law's Institute of Law and Economics as well as a member of the Board of the Thomas J. Watson Foundation. In addition, she is on the national board of Boys Hope/Girls Hope.

**BEN SLOTZNICK, L'79,**

**WG'86** recently started "Bibli's Bookshelf, an electronic picture-book library for beginning readers. The nonprofit library is especially designed for those with reading difficulties due to learning or developmental disabilities, providing free screen-reader software specially designed for such problems.

**M. KELLY TILLERY L'79**

has been invited to join the Blue Ribbon Roster of neutral Arbitrators and Mediators on the Alternative Dispute Resolution

Panel of National Arbitration and Mediation. Tillery, Senior Partner and Chair of the Intellectual Property and E-Commerce Group of Leonard, Tillery & Sciolla, LLP, has litigated hundreds of intellectual property cases, as well as coordinated raids on counterfeit operations. Tillery is also a frequent lecturer and author on intellectual property topics.

**MARGUERITE SIVAK WALSH L'79**

has been named to the Executive Committee of Littler Mendelson. Walsh, who opened the firm's Philadelphia office, previously worked for Buchanan Ingersoll.



**ANTHONY CIPITI JR. L'80**

has been named one of North-east Ohio's "Leading Lawyers" by *Inside Business* for the third consecutive year. "Leading Lawyers" are nominated by regional legal professionals, and are selected by a peer-based evaluation panel. Cipiti practices in the Corporate Finance & Securities, Intellectual Property & Technology, Business Law and Broker-Dealer Groups at the firm of Ulmer & Berne LLP.

**KYRA MCGRATH L'81** was awarded a Woman of Distinction by the *Philadelphia Business Journal* in December 2003. The award recognizes a woman's

dedication to her career and to her community. McGrath has served as vice president for strategic projects and general counsel at WHYY, a public broadcasting television station, since 1998. McGrath also serves as secretary/treasurer of the Forum of Executive Women and is a board member of the Salvation Army of Greater Philadelphia.



**NANCY HOPKINS WENTZ L'81**

was recently elected President of the Pennsylvania Bar Institute. She is managing partner of the Norristown law firm of McGrorey Wentz, LLP, and is a member of the Pennsylvania Bar Association House of Delegates. In addition, Wentz currently serves as a Board Director of Legal Aid of Southeastern Pennsylvania.

**BARRY TEMPKIN '82**

has been recognized by Trial Lawyers Care for his "extraordinary" effort in a nationwide campaign to provide free legal service for victims of the September 11, 2001 terrorist attacks. A professional liability defense attorney for more than 22 years, Tempkin represented the families of six deceased victims before the federal Victim

Compensation Fund. Trial Lawyers Care is the largest *pro bono* program in the history of American jurisprudence.

**MARY L. BARROW L'83**

has been named a partner in the firm Halloran & Sage. Serving as the chair of the firm's Estate Planning, Probate, and Trust Law Practice Group, Barrow practices all aspects of trusts and estates law. She is a member of the Professional Advisory Committee of the Hartford Foundation for Public Giving and the Hartford Rotary Club.

**MARTHA E. MANNING,**

**L'83** joined Adolor Corporation in July 2002 as Senior Vice President, General Counsel, and Secretary. Her experience in the biotechnology industry has included service as general counsel to Cell Pathways, U.S. Bioscience, Inc., and The Wistar Institute. Prior to that, Manning was an associate with Morgan, Lewis & Bockius, and served as a financial analyst with the U.S. Department of Treasury.

**ROBERT A. MARCHMAN**

**L'83** was promoted to Senior Vice President of Enforcement by the New York Stock Exchange Board of Directors. With his promotion, Marchman will continue to be responsible for coordinating and directing investigations and litigations and contributing to Enforcement policies and procedures at the



## ALUMNI BRIEFS

NYSE. Marchman has been vice president of Enforcement since 1994, and is also a former branch chief in the SEC's Division of Enforcement in Washington.

**DONALD DUKE L'84** has been re-elected to his second four-year term as Governor of Cross River State in Nigeria.

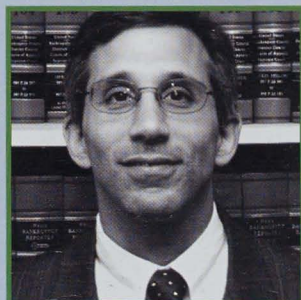
**SHANIN SPECTER L'84** has been appointed a New Member of the Executive Board of the National Liberty Museum in Philadelphia. Specter is a Partner with the Philadelphia law firm Kline and Specter PC.

**DAVID FELDMAN W'82, L'85** is founder and Managing Partner of Feldman Weinstein LLP in New York. The boutique firm concentrates primarily on corporate and securities matters, but also includes litigation, tax, international trade, intellectual property, real estate, broker-dealer regulation and trusts and estates. The firm is best known in the areas of "reverse mergers" and private investment in public equity transactions (PIPE).

**RAYMOND C. HEADEN L'87** has joined the firm of Schottenstein Zox & Dunn's Banking and Finance Corporate and Public Law Practice Areas. Headen is the co-chair of the firm's banking practice and chairs the firm's public finance practice group. He is also a life member of the

NAACP's Greater Cleveland Chapter, and is a recipient of the Forty under 40 Award.

**DANIEL P. O'MEARA L'87, WG'87** was elected partner at the Philadelphia law firm of Montgomery, McCracken, Walker & Rhodes LLP. O'Meara has practiced law for more than fifteen years, and has extensive experience in employment litigation, labor relations and preventive human resource practices.



**CRAIG F. TURET L'88** has joined the Philadelphia law firm of Spector Gadon & Rosen, P.C. as a Member of the Insurance and Commercial Litigation Groups. Formerly a partner at Duane Morris LLP, Turet has represented multiple corporate entities as national coordinating counsel in connection with asbestos litigation claims pending nationwide. He was formerly a member of the Executive Committee of the Young Lawyer's Section of the Philadelphia Bar Association, as well as the editorial board of Inside Litigation magazine.

**HOWARD S. KROOKS L'89**, a partner in the law firm of Littman Krooks, LLP, has

been elected chair of the New York State Bar Association's 2,600-member Elder Law Section. Krooks is co-chair of the section's Special Committee on Medicaid Legislation. He is also an adjunct assistant professor at New York University's School of Continuing and Professional Studies, and has co-authored numerous chapters for elder law books.

**CHARLES S. MARION C'86, W'86, L'89** joined Pepper Hamilton as partner. Marion, a commercial litigator who focuses his practice on complex litigation, products liability, intellectual property and technology law matters, was a partner at White and Williams. He has served as a coordinator and team member on the Commission on Judicial Selection, Retention and Evaluation, and is a member of the board of directors of the Young Lawyers Section of that body. In addition, Marion is a fellow of the Academy of Advocacy of Temple University.



**DANIEL A. PLISKIN L'89**, a corporate and securities lawyer, has been elected of counsel at Pepper Hamilton LLP in Philadel-

phia. Pliskin focuses his practice on mergers and acquisitions, corporate finance, private equity and securities law matters.

**HENRY T.A. MONIZ L'89** has joined Viacom as associate general counsel, compliance, a position recently created by the company. In joining Viacom, Moniz left the Boston law firm Bingham McCutcheon. Previously, Moniz served as minority counsel to the House Judiciary Committee.



**NOBUO NAKATA L'90** has been named partner at Freshfield's Law Office in Tokyo this past February. Formerly of Asahi Koma Law Office, Nakata's practice focuses primarily on structured finance and other corporate transactions.

**MICHAEL D. STOVSKY L'91** has been named to the *Who's Who in Technology 2004* list, sponsored by *Crain's Cleveland Business* and CrainTech, for the third consecutive year. A partner at Ulmer & Berne, Stovsky is chair of the firm's Intellectual Property & Technology Group, and is an expert on technology issues. In addition, Stovsky is a member of the Board of Trustees for the Cleveland Music School Settlement and the American Red Magen David for Israel.



**MATTHEW BIBEN L'92,**

an adjunct professor at the University of Pennsylvania Law School, has joined The Bank of New York as Managing Counsel.

**PHILIP J. GOODMAN**

**L'92** has been named a Partner at Chadbourne & Parke. Goodman specializes in reinsurance arbitration and litigation, and practices in the Washington, D.C. office of the firm.

**JONATHAN M. KORN L'92**

has been elected partner at the firm Blank Rome LLP. Korn is a member of the Intellectual Property Litigation Practice Group in the firm's New Jersey office. He concentrates his practice on intellectual property litigation. A former trustee of the New Jersey State Bar Association, Korn currently serves on the Board of the Camden County Council on Alcoholism and Drug Abuse.

**PAUL SILVER '92** was

recently named Senior Vice President of Pacific Cycle, Inc. Pacific Cycle, the world's largest bicycle producer, is best known for its Schwinn, Mongoose and GT bicycle brands.

**ADAM SILVERSTEIN L'92**

has been elected partner at the Golenbock, Eiseman, Assor, Bell & Peskoe litigation group.

**CLINT E. ODOM L'93** has

been named Vice President of Regulatory Affairs for Verizon New Jersey. Previously, Odom was a director of Verizon's feder-

al regulatory affairs in Washington, D.C., where he worked with the Federal Communications Commission. Prior to joining Verizon, he was a legal advisor to former FCC Chairman William E. Kennard.

**DAVID B. HENNES L'95**

has been elected partner at Fried, Frank, Harris, Shriver, & Jacobson LLP. Hennes practices corporate, white collar, and enforcement litigation at the firm. Previously, he had a clerkship with U.S. District Judge Jerome Simandle in the District of New Jersey.

**ALLISON PARLIN**

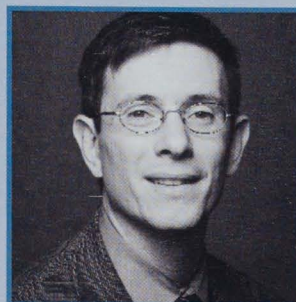
**KASHON L'95** has joined Fox Rothschild LLP as an associate in the litigation department of the firm's Atlantic City office. Her practice focuses on commercial litigation and real estate matters. Kashon previously worked in law firms in Washington, D.C. and Philadelphia, concentrating on intellectual property and environmental litigation.

**KEVIN D. MAKOWSKI**

**L'95** has been promoted to partner at the national law firm of Foley & Lardner. Makowski works in the Business Law Department of the firm's Milwaukee office, and has a diverse corporate transactional practice, including mergers and acquisitions, joint ventures and commercial transactions.

**DAVID A. NASATIR L'95,**

a partner with Obermayer Rebmann Maxwell & Hippel LLP, has



been named to the *Philadelphia Business Journal's* "40 Under 40 List" for 2004. The award recognizes 40 individuals who are leading performers in their respective industries and communities. Nasatir is a member of Obermayer's Business and Finance Department, and is active in numerous civic associations. He is the immediate past Chairman and current member of the Board of Directors for the Spring Mill Fire Company No.1 in Whitmarsh Township, PA.

**NARDA-MARIE M.**

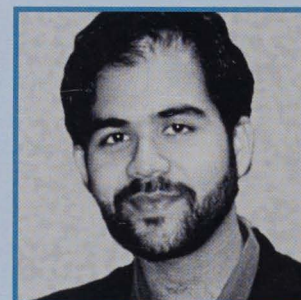
**NEWBY L'95** was honored at the Annual Banquet of the Bar Association of the District of Columbia as the "Young Lawyer of the Year." Newby is a trial attorney at the malpractice law firm of Jack H. Olender & Associates, P.C., where she handles catastrophic medical malpractice and personal injury cases.

**FRANCIS X. TANEY**

**JR. L'95** was promoted to partner in the Philadelphia office of Buchanan Ingersoll. Taney's practice focuses on litigation involving complex commercial activities.

**MICHAEL P. WILLIAMS**

**L'96** was chosen to head the Philadelphia's Minority Business Enterprise Council. The council, a unit within Philadelphia's Finance Department, was established to help small businesses owned by minorities, women and the disabled gain city contracts. Williams previously worked at Montgomery McCracken Walker & Rhodes, and served as the No. 2 executive and former deputy director at Community Legal Services in Philadelphia.



**ARSHAD AHMED L'99**

recently co-founded a bi-coastal law firm Ahmed & Moghul LLP. Ahmed manages the firm's San Francisco Bay Area office, and his practice includes general business representation, transactions and estate planning. Ahmed's law firm is the first in the United States to offer legal services for Islamic banking and finance as well as Islamic wills, trusts, and estates.

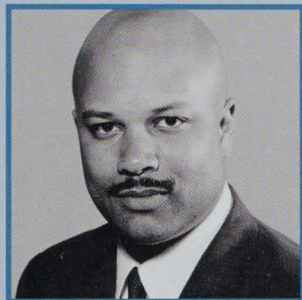
**MATTHEW J. BASS C'95,**

**L'99** has joined the Litigation-Department of Curtin & Heefner, LLP in Bucks County, PA as an associate. His practice focuses in the areas of ERISA, Employment Law, and Municipal Law.



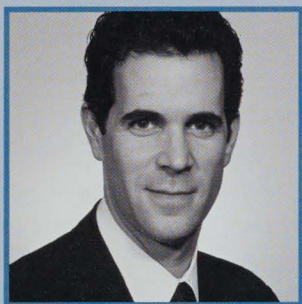
## ALUMNI BRIEFS

Bass previously worked in the ERISA department of Duane Morris, LLP in Philadelphia.



### ROBERT A. BROWN L'99

recently joined the firm of Stites & Harbison firm in Atlanta as an associate. Brown will be a member of the firm's Real Estate and Finance Service Group. Before joining Stites & Harbison, Brown was an associate at Wolf, Block, Schorr and Solis-Cohen LLP. From 2000-2002, he also served as Legal Counsel and Chief of Staff to Philadelphia City Councilman Darrell L. Clarke.



### DAVID SHAPIRO L'99,

an attorney in the Corporate Department at Wachtell, Lipton,

Rosen & Katz, has been elected as a director to The Door, New York City's premier youthdevelopment agency. Previously, Shapiro held finance and business development positions at technology-based firms.



### EFTHIMIOS PARASIDIS

L'00 has received a Fulbright Fellowship to conduct research in Greece in the area of Law and Public Health. Parasidis is one of 800 Fulbright fellows who will study for 10 months in one of 100 participating countries.

### DIANE FERRONE L'01

has joined Morvillo, Abramowitz, Grand, Iason & Silberberg, P.C. in New York, where her focus will be white collar criminal investigation.

### DIANKHA WARREN

LINEAR L'01 was the recipient of the 2004 "Excellence in the Practice of Law" Award at the Philip L. Burton Annual Scholarship Dinner in celebration of the 50th Anniversary of Brown v. Board of Education this past May. The award is given annually to an outstanding member of the Loren Miller Bar

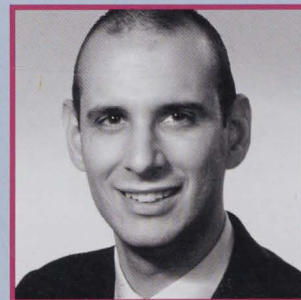
Association (LMBA). Diankha was recognized for her community contributions, which include: secretary for the LMBA; director for Habitat for Humanity Seattle-South King County; and primary author of an amicus brief filed on behalf of the Northwest Women's Law Center and the LMBA on domestic violence issues. An associate at the law firm of Perkins Coie LLP in Seattle, Diankha will serve as president-elect of the LMBA during 2004-2005.

### ANDREW C. SMITH L'02

has been awarded one of the Legal Aid Society's 2003 Pro Bono Publico Awards for his work with the homeless. The award was presented by Chief Judge Judith S. Kaye of the New York State Court of Appeals. Smith, a full-time Pillsbury Winthrop fellow, successfully litigated more than 25 individual cases in administrative forums and Federal Court securing the financial benefits needed to sustain his clients in permanent housing.

### ALESSANDRO M.

BARZAGHI L'03, a visiting foreign attorney with Pepper Hamilton LLP, was a member of the organizing committee for a meeting of the International Association of Young Lawyers,



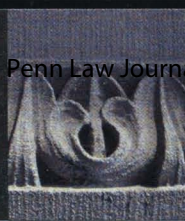
which was held in Philadelphia in May of 2004. The Association (Association Internationale des Jeunes Avocats or "AIJA") is a nonprofit organization organized under the law of Luxembourg which promotes professional cooperation and friendship among young attorneys around the world.

### MARY K. STOKES L'03

has joined the firm of Blank Rome LLP as an associate. She is a member of the General Corporate Practice Group in Philadelphia office

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## IN MEMORIAM

### As Chairman of Morgan, Lewis, & Bockius, Dilks Gave Firm International Profile

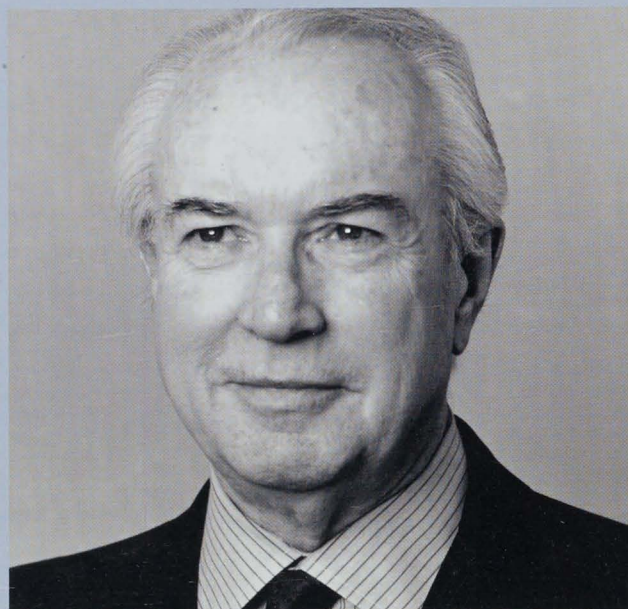
**PARK B. DILKS JR. C'48 L'51**, who as chairman built Morgan, Lewis & Bockius LLP into one of the world's largest and most respected law firms, died last February after a short illness.

The American Lawyer magazine dubbed Dilks and three other partners the "Gang of Four" for their efforts to put Morgan Lewis & Bockius on the map. It was Dilks who led a major part of that effort as founder and Chairman of the firm's International Section for 25 years. Under his leadership the firm opened offices in London, Brussels, Frankfurt and Tokyo. Today Morgan Lewis employs 1,200 lawyers in 18 offices around the globe.

"Park was instrumental in the original decisions to open major, full service offices outside of Philadelphia, which transformed us from a run of the mill Philly firm to a national, and now international, firm," said Francis Milone L'74, the present chairman of Morgan, Lewis & Bockius.

A native Philadelphian, Dilks served as an Assistant District Attorney under Richardson Dilworth, who later became the mayor of Philadelphia, after graduating law school in 1951. After serving active duty as a first lieutenant in the Army, he returned to private practice, and in 1964, became a partner at Morgan Lewis. Dilks served as the firm's chief financial officer for fifteen years, and as the firm's chairman several times, beginning in 1975. He officially stepped down as senior partner in 1997 and became counsel to the firm.

Dilks was well-respected and admired by his colleagues. "People loved Park," said Milone. "He was a very thoughtful



man; he never tried to dominate a conversation. He did more listening than speaking, but when he spoke, he spoke very precisely – with well-thought out ideas. Park was marvelously respected for the way he cared about others."

Milone also remembered Dilks as a compassionate leader and mentor who left a lasting impression on everyone at the firm – from partners to associates.

"He was always seeking to give younger lawyers, as well as partners, work with clients. He was very non-possessive with client relationships, and took delight in the success of others. There are many, many of us who look back very fondly on Park and thank him for the opportunities he gave us."

A lover of classical music, Dilks was the Philadelphia Orchestra's attorney for 30 years. He was also a director and treasurer of the Philadelphia Chamber Music Society, as well as a member of the Union League.

After stepping down as senior partner in 1997, Park wrote a book, "Morgan, Lewis & Bockius: A Law Firm and Its



## IN MEMORIAM

Times,” about the firm’s 120-year history. A long chapter could easily be devoted to the contributions Dilks made to the firm he loved so much.

Dilks is survived by his wife Marie-Jeanne, son Jonathan and daughter Robin.

– DAVID KUHN

### James J. McHugh III C’51, L’54

**JAMES J. MCHUGH III**, who as a Navy officer led a special court of inquiry into North Korea’s capture of the USS Pueblo, died last May in Sacramento, Calif. McHugh was born in Philadelphia and received both his bachelor’s degree and his law degree from Penn, in 1951 and 1954, respectively.

Commissioned to the Naval Reserve in 1955, McHugh was appointed judge advocate general in 1982. He had previously served as deputy judge advocate general of the Navy, and two years as assistant judge advocate general for civil law. While serving in the Navy, McHugh received a number of honors, including the Distinguished Service Medal, two Legions of Merit, two Meritorious Service Medals, and the Navy Commendation Medal.

McHugh is best known for handling the USS Pueblo case in which North Korea accused the ship of spying on the country. The crew was held hostage for 11 months after the ship was seized by in 1968. After retiring from the Navy in 1984, McHugh served as associate dean for career development at the McGeorge School of Law at the University of the Pacific.

McHugh is survived by his wife, Rita McHugh; two children, Navy Cmdr. James Joseph McHugh IV and Navy Cmdr. Margaret Carlson; and five grandchildren.

### Lester Kabacoff C’34, L’37

**LESTER KABACOFF**, a pivotal figure in the development of New Orleans who became known as the Crescent City’s father of modern tourism, died this past January at the age of 90.

Kabacoff, who earned an athletic scholarship to the University of Pennsylvania, served as co-captain of the tennis team during his undergraduate studies. He received his law degree from Penn in 1937. A Wall Street lawyer at the outbreak of World War II, Kabacoff volunteered for Army service. The New York native was stationed in New Orleans, where he remained after

the war. During the next half-century, he helped launch New Orleans’ first television station, WDSU, and, as a real estate developer, built the Royal Orleans Hotel, the New Orleans Hilton and the Riverwalk Shopping Center, all of which revitalized the waterfront area and boosted tourism. He also had a hand in bringing the World’s Fair to New Orleans in 1984, and in the development of the Ernest N. Morial Convention Center.

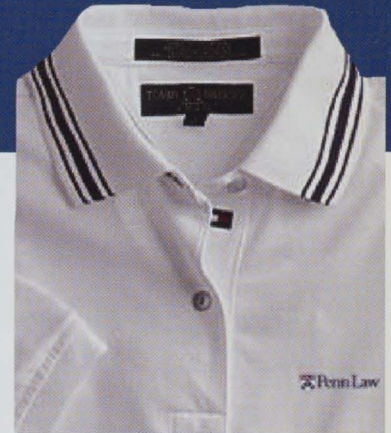
In recognition of his contributions to the city, the University of New Orleans named a school in his honor, the Lester E. Kabacoff School of Hotel, Restaurant and Tourism Administration. He served more than three decades on the board of Dillard University, which established a professorship in Kabacoff’s name. Among his other accomplishments, he helped establish such civic organizations as the Council for a Better Louisiana, the Public Affairs Research Council, the Police Foundation and the Metropolitan Area Committee.

Kabacoff is survived by his wife, Gloria; a son, Pres; a daughter, Margot K. Peters; a sister, Helen Davis; four grandchildren; and a great-grandchild.

## IN MEMORIAM

Robert A. Henderson L’10	Thomas S. Miller L’47
Cpt. Nelson D. Zimmerman L’30	Samuel B. Russell L’48
Horace W. Vought L’32	John H. Forry L’49
Jacob Medvene L’36	William F. Lynch L’49
William G. Ott L’36	Peter Florey L’50
Joseph Rhoads L’36	William J. Carlin L’51
Donald Steele L’36	Park B. Dilks, Jr. C’48, L’51
Lester Kabacoff C’34, L’37	Jerome Lipman L’51
Isadore A. Shrager L’37	James Joseph McHugh III C’51, L’54
William L. Zeitz C’35, L’38	Charles Thompson C’48, L’54
Carl E. Heilman L’39	John A. Erickson L’56
William H. Rivoir, Jr. L’39	A. Edward Grashof L’59
Albert L. Vicchiarelli L’41	Ralph J. Kmiec L’59
Philip E. Barringer L’42	Peter G. Mahanna L’61
Irving J. Shapiro C’39, L’43	Joel Friedman C’59, L’62
Ralph M. Cady L’44	Earl B. Slavitt W’61, L’64
Michael Waris Jr. W’42, L’44	Ian Strogatz C’69, L’72
Arthur L. Pou L’46	Lisa McAllister Brinton L’79





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